

Transcript of the Testimony of
Byron L. Blagburn, MS, PhD

Date: June 12, 2006

Christopher Eiland, DVM, MS

Vs

Byron L. Blagburn, MS, PhD, et al

Case No. 2005-CV-459-VPM

Boggs Reporting & Video
Phone: 334.264.6227
Fax: 334.285.0448
Email: jboggs@boggsreporters.com
Internet: www.boggsreporters.com

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[1]</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 CHRISTOPHER B. EILAND, DVM, MS, 6 Plaintiff, 7 VS. CIVIL ACTION 8 FILE NO. 2005-CV-459-VPM 9 10 DR. BYRON L. BLAGBURN, individually 11 and in his official capacity, DR. 12 CHARLES HENDRIX, individually and in 13 his official capacity, DR. JOSEPH JANICKI, 14 individually and in his official capacity, 15 DR. STEPHEN McFARLAND, individually and in 16 his official capacity, DR. ED RICHARDSON, 17 in his official capacity as President of 18 Auburn University, and DR. LAUREN WOLFE, 19 individually and in his official capacity, 20 Defendants. 21 * * * * * 22 DEPOSITION OF BYRON L. BLAGBURN, MS, PhD 23 taken on behalf of the Plaintiff, pursuant to the stipulations set forth herein, before Jeana S. Boggs, Certified Court Reporter and Notary Public, at the law offices of Kathryn Dickey, LLC, 322 Alabama Street, Suite B, Montgomery, Alabama, commencing at approximately 1:32 p.m., Monday, June 12, 2006.</p>	<p style="text-align: right;">[2]</p> <p>1 APPEARANCES OF COUNSEL 2 FOR THE PLAINTIFF: 3 HONORABLE KATHRYN DICKEY 4 Attorney At Law 5 THE LAW OFFICES OF KATHRYN DICKEY LLC 6 322 Alabama Street, Suite B 7 Montgomery, Alabama 36104 8 334.262-0728 9 FOR THE DEFENDANTS: 10 HONORABLE LANE KNIGHT 11 Attorney At Law 12 BALCH & BINGHAM 13 P.O. Box 78 14 105 Tallapoosa Street 15 Montgomery, Alabama 36104 16 334.834.6500 17 ALSO PRESENT: 18 MR. CHRISTOPHER EILAND 19 * * * 20 Examination by Ms. Dickey - 6, 123 21 Examination by Mr. Knight - 121, 123 22 23</p>
<p style="text-align: right;">[3]</p> <p>1 EXHIBIT INDEX 2 Plaintiff's Exhibit No. 1.....NA 3 Plaintiff's Exhibit No. 2.....107 4 Plaintiff's Exhibit No. 3.....109 5 Plaintiff's Exhibit No. 4.....110 6 Plaintiff's Exhibit No. 5.....111 7 Plaintiff's Exhibit No. 6.....NA 8 Plaintiff's Exhibit No. 7.....111 9 Plaintiff's Exhibit No. 8.....112 10 Plaintiff's Exhibit No. 9.....112 11 Plaintiff's Exhibit No. 10.....NA 12 Plaintiff's Exhibit No. 11.....NA 13 Plaintiff's Exhibit No. 12.....NA 14 Plaintiff's Exhibit No. 13.....113 15 Plaintiff's Exhibit No. 14.....114 16 Plaintiff's Exhibit No. 15.....114 17 Plaintiff's Exhibit No. 16.....NA 18 Plaintiff's Exhibit No. 17.....110 19 Plaintiff's Exhibit No. 18.....115 20 Plaintiff's Exhibit No. 19.....117 21 Plaintiff's Exhibit No. 20.....116 22 Plaintiff's Exhibit No. 21.....118 23 * * *</p>	<p style="text-align: right;">[4]</p> <p>1 STIPULATION 2 It is hereby stipulated and agreed by and 3 between counsel for the respective parties and the 4 witness that the deposition of BYRON L. BLAGBURN, 5 MS, PhD, is taken pursuant to notice and stipulation 6 on behalf of the Plaintiff; that all formalities 7 with respect to procedural requirements are waived; 8 that said deposition may be taken before Jeana S. 9 Boggs, Certified Professional Reporter and Notary 10 Public in and for the State of Alabama At Large, 11 without the formality of a commission; that 12 objections to questions, other than objections as to 13 the form of the questions, need not be made at this 14 time, but may be reserved for a ruling at such time 15 as the deposition may be offered in evidence or used 16 for any other purpose as provided for by the Federal 17 Rules of Civil Procedure. 18 It is further stipulated and agreed by and 19 between counsel representing the parties in this 20 case that the filing of the deposition of BYRON L. 21 BLAGBURN, MS, PhD, is hereby waived and that said 22 deposition may be introduced at the trial of this 23 case or used in any other manner by either party</p>

[1] (Pages 1 to 4)

Boggs Reporting & Video

jboggs@boggsreporters.com

334.264.6227

www.boggsreporters.com

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[5]</p> <p>1 hereto provided for by the Statute, regardless of 2 the waiving of the filing of same. 3 It is further stipulated and agreed by and 4 between the parties hereto and the witness that the 5 signature of the witness to this deposition is 6 hereby not waived. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p style="text-align: right;">[6]</p> <p>1 BYRON L. BLAGBURN, MS, PhD, 2 of lawful age, having been first duly sworn, was 3 examined and testified as follows: 4 5 DIRECT EXAMINATION 6 BY MS. DICKEY: 7 Q Doctor Blagburn, I'm Kay Dickey, and I'm one 8 of the attorneys in this case representing 9 Doctor Eiland. And we're in what's called 10 the discovery stage. All we're doing is 11 trying to find out facts that relate to the 12 lawsuit that's been filed against Auburn 13 University. I have a few questions. This 14 should not take a long time, but if you need 15 a break, be sure and let me know. 16 A Thank you. 17 Q If you don't understand a question, just ask 18 me to repeat it, and I'll be happy to try to 19 make it more understandable. If you do 20 answer a question, I'll assume that you 21 understood it and we'll accept your answer. 22 A Understood. 23 Q Are you on any kind of medication?</p>
<p style="text-align: right;">[7]</p> <p>1 A No. 2 Q Okay. Any reason why you couldn't give 3 honest, clear testimony today? 4 A No. 5 Q Okay. All right. Would you state your full 6 name for the record? 7 A Byron L. Blagburn. 8 Q Could you spell your last name? 9 A B-L-A-G-B-U-R-N. 10 Q Okay. And, Doctor Blagburn, just give us a 11 little summary of your educational history. 12 A Okay. I received an undergraduate degree in 13 biology from Andrews University in Berrien 14 Springs, Michigan. Stayed on at Andrews 15 University, earned a Master's degree, Master 16 of Science degree in biology, with an 17 accompanying Master's thesis, working on 18 coccidiosis, using a model Eimeria species. 19 My major professor at Andrews, then -- after 20 I had inquired about an advanced degree, a 21 doctoral degree, suggested one of his 22 friends at the University of Illinois, Ken 23 Todd, who was working in a similar area at</p>	<p style="text-align: right;">[8]</p> <p>1 the College of Veterinary Medicine. So, I 2 then moved to Urbana-Champaign and spent 3 four years earning a doctorate in veterinary 4 science with a major in parasitology. I 5 received that in 1982. 6 Q Okay. And you answered probably my next 7 question, but are you considered an expert 8 in parasitology? 9 A By traditional definitions, yes, veterinary 10 parasitology. Certainly parasitology is a 11 broad field. It involves human disease, 12 exotic animal disease, and domestic animal 13 disease. And I think when it comes to 14 domestic and companion animal, the answer 15 would be yes. 16 Q Okay. After graduating from school, what 17 was your first employment position? 18 A Auburn University. 19 Q And when did you start there? 20 A March 1, 1982. 21 Q And what is your current position? 22 A My current position title? 23 Q Yes.</p>

[2] (Pages 5 to 8)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[9]	[10]
<p>1 A Distinguished university professor, 2 Department of Pathobiology, College of 3 Veterinary Medicine. 4 Q Okay. Now, how do you get the title of 5 distinguished? 6 A Well, you're nominated by your department 7 head, your dean, your qualifications, the 8 impacts that you've had in your field, both 9 nationally and internationally, are assisted 10 by a committee of your peers at the college 11 level. And after deliberation, examination 12 of your documents, the decision is made to 13 either award you one of the distinguished 14 chairs or not to award you. And I was 15 fortunate enough to have been awarded one. 16 Q And how long have you held that position? 17 A Since 1999. 18 Q What are your responsibilities? 19 A In the College of Veterinary Medicine, most 20 of us -- and I'll tell you what mine are 21 specifically in just a minute. Most of us 22 are involved in one of four disciplines: 23 Teaching, research, diagnostic services or</p>	<p>1 service some call it, and outreach or 2 continuing education. And my specific 3 responsibilities involve each. On paper, 4 I'm about forty (40%) percent teaching, 5 maybe forty (40%) percent research, and then 6 maybe ten (10%) percent of each of the other 7 two involvements. 8 Q Tell me about your forty (40%) percent 9 research responsibilities. 10 A Well, all of us at Auburn University or any 11 other university, for that matter, are 12 encouraged to pursue some scholarly 13 activity. And research would fulfill that 14 component of scholarly endeavor activity. 15 My research involves researching a number of 16 different diseases that are parasite induced 17 in a variety of host species: Dog, cat, 18 cow, pig, small ruminant horse. We've 19 worked in a variety of areas. 20 So, my research has sort of 21 spanned a breadth of topic areas in all 22 those species. Probably the one that I 23 spend the most of my time in is what I would</p>
[11]	[12]
<p>1 call collaborative development of new 2 pharmaceuticals with the pharmaceutical 3 industry. And what we do is in 4 collaboration with the veterinary segments 5 of the pharmaceutical industry, I identify 6 and develop and deliver to the marketplace 7 companion animal, food animal, parasites. 8 Q Which pharmaceutical companies do you have 9 most of your association with? 10 THE WITNESS: Lane, I have 11 confidentiality agreements with 12 those companies. I suppose I 13 could give the names without 14 sharing the details of that 15 research? 16 MR. KNIGHT: Kay, would be that be -- 17 MS. DICKEY: Yeah, that's fine. 18 A Okay. Nevardis Animal Health; Meriel, which 19 used to be Merck; Pfizer Animal Health; 20 Bayer Animal Health; Ford/Dodge Animal 21 Health, and a number of smaller ones. But 22 certainly that would comprise the greater 23 proportion.</p>	<p>1 Q Okay. Do you serve as a major professor for 2 graduate students? 3 A I do. 4 Q Tell me about your responsibilities as a 5 major professor. 6 A Well, a major professor is essentially the 7 mentor for the student. They help the 8 student identify an advisory committee, 9 which is a group of individuals, which 10 together with the major professor, will 11 advise that student on his or her course 12 work, his or her research, help them design 13 it and monitor their progress. But 14 ultimately, principally, it's the 15 responsibility of the major professor to 16 provide guidance for the committee and to 17 deal with any issues or problems that arise 18 and to solve those problems. 19 Q Okay. 20 A And that might relate to academic problems. 21 It might relate to other issues that involve 22 student's matriculation or progress through 23 the program.</p>

[3] (Pages 9 to 12)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[13]	[14]
<p>1 Q About how many students do you serve as 2 their major professor in a year? 3 A Well, of course, programs generally take 4 three -- two to four years, depending on 5 whether they are Master's program or PhD 6 programs. And so, it's possible that 7 programs could overlap. And so, I could be 8 supervising two master students and one PhD 9 student at the same time. A PhD student can 10 graduate. A Master's student could 11 graduate, and we could be in between 12 students. There could be a period of time 13 when I could be supervising none. 14 So, the answer is that it would 15 depend on where those students are in their 16 individual programs and at what point in 17 time you ask me. 18 Q At one time, were you the major professor 19 for Doctor Chris Eiland? 20 A I was. 21 Q And what period of time were you serving as 22 his major professor? 23 A Well, there were actually two periods. I</p>	<p>1 served as his mentor and major professor 2 during his Master's program, which -- 3 Actually, Chris was involved in sort of a 4 joint matriculation program in which he was 5 enrolled in the professional degree program, 6 and at the same time enrolled in the 7 graduate school. Although, keep in mind 8 that there will be times when he's not doing 9 both. Sometimes he will be doing both. 10 So, I guess, beginning maybe 11 sometime during his sophomore year as a 12 professional student, we discussed his 13 enrollment as a Master's candidate, 14 discussed his research topics. And so, 15 without giving you a definite date when that 16 started, unless I went back to the program 17 in biomedical sciences that would give us 18 the chronology, I would say from -- you 19 graduated in -- he graduated in 2003 as a 20 veterinarian. 21 So, I would say 2001 through, I 22 think, December of 2003. And that would 23 have encompassed his Master's program as</p>
[15]	[16]
<p>1 well as a short period of time when I 2 advised him during his doctorate program. 3 Q Okay. What type of research projects did 4 Doctor Eiland work on for you when you were 5 his major professor? 6 A Well, of course, his responsibility was to 7 research feline heartworm infection disease, 8 and our interest was clarifying diagnosis, 9 correlating diagnosis with disease, and 10 trying to better characterize the nature of 11 heartworm disease in cats. That was the 12 subject of his Master's thesis. 13 It wasn't at all unlikely that 14 Doctor Eiland might have been involved in 15 other projects that were ongoing in the 16 laboratory with other collaborating 17 pharmaceutical companies. 18 So, it depends on whether your 19 question is what in every instance was he 20 involved in, or what was he involved in that 21 related only to his graduate work. 22 Q Primarily talking about his graduate work. 23 A Okay. So, his Master's thesis was, as I</p>	<p>1 described, trying to clarify diagnosis and 2 disease characteristics of feline heartworm 3 disease. And although we had not nailed it 4 down in detail entirely for his PhD program, 5 we presumed in my discussions with Chris and 6 with other members who were likely to serve 7 on his committee or who were involved in the 8 past, that his doctoral disorientation would 9 be a continuation in some sort of work that 10 he had done as a Master's candidate. 11 Q Did he do an excess amount of research 12 during his Master's program that would have 13 carried over to the PhD program? 14 A He did some work that certainly wasn't 15 included in any detail in his Master's 16 thesis. We had talked about perhaps using 17 some of that additional work in pursuit of 18 his doctoral degree. But until that 19 research and its details were identified in 20 a research proposal, submitted to the 21 committee, and approved, it's nothing more 22 than speculation and discussion. Do you see 23 what I mean? The committee has to approve</p>

[4] (Pages 13 to 16)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[17]</p> <p>1 whatever research you're going to do for 2 your, in this case, your doctoral degree. 3 Q What research did he do -- All right. You 4 said heartworm? 5 A Uh-huh (positive response). 6 Q Feline heartworm research -- 7 A Yes, ma'am. 8 Q -- for his Master's degree? 9 A Uh-huh (positive response). 10 Q Who were members of his -- Was there an 11 advisory committee at the Master's level? 12 A There was. As I recall, it was myself, 13 Doctor Jenny Spencer, Doctor Joe Newton, and 14 I think we added Doctor Ray Dillon, Allen R. 15 Dillon, subsequently. 16 Q All right. Were those members going to 17 continue on as his advisers in the PhD 18 program? 19 A Not necessarily. We had not identified 20 those individuals definitively. And it's 21 not uncommon at all for those who would 22 advise during the doctoral portion of a 23 program or research or career to be</p>	<p style="text-align: right;">[18]</p> <p>1 different than those that would advise 2 during the Master's. And the reason for 3 that is that if we did elect to pursue other 4 areas or if his research took turns that we 5 had not discussed yet or that we felt that 6 would be more productive, then it would be 7 wise, prudent, to include persons who were 8 experts in those areas who could better 9 advise us on those components of the 10 research. 11 Q During the short time that Doctor Eiland was 12 enrolled in the PhD program, had his 13 research at that time continued from his 14 Master's, or was there a change? 15 A Well, I'm not aware that we had decided in 16 any detail what we were going to do. As you 17 had alluded to or mentioned earlier, Doctor 18 Eiland and I had certainly talked about 19 continuing and using some of the additional 20 data that we had not analyzed thoroughly and 21 pursue it further. But until the committee 22 is formed and until the proposal is written 23 and signed off on by the PhD advisory</p>
<p style="text-align: right;">[19]</p> <p>1 committee, any discussions of research is 2 simply unofficial. The graduate school 3 recognizes the -- the research proposal 4 after the committee is satisfied that the 5 research that's planned and presented to 6 them in a proposal is legitimate, is likely 7 to fulfill the requirements in terms of 8 amount, appropriate kind of work suitable 9 for and consistent with a doctoral degree. 10 Does that make sense? 11 Q It does. Do you remember an exit interview 12 following his Master's degree fulfillment? 13 A You're talking about his sort of final 14 examination? 15 Q Right. 16 A Uh-huh (positive response), I do. 17 Q Tell me about that. 18 A Well, in a final examination, we really 19 don't call it an exit interview. We call 20 it, in essence, a final examination. 21 Qualifying examination, some people call it. 22 The purpose is to -- Well, it's done 23 differently in different committees. And I</p>	<p style="text-align: right;">[20]</p> <p>1 don't mean to deviate or elaborate or not 2 answer your question, and I'll certainly get 3 back to it in a second. 4 But what I want to point out is 5 that the process varies tremendously from 6 committee to committee. The graduate school 7 has elected, and rightly so, and certainly 8 I'm supportive of it, of decentralizing 9 requirements and placing the 10 responsibilities of identifying research, 11 identifying the curriculum that's 12 appropriate for the student in terms of 13 course work, and their plan of study, or 14 their research plan, back in the hands of 15 the committee. 16 So, our committee may have elected 17 to question Doctor Eiland only on his 18 research without a written component, and 19 that's what we did. We essentially sat 20 down, and we said, "Has everyone looked at 21 Doctor Eiland's Master's thesis?" And 22 everyone in attendance said, "Yes, we have." 23 Okay. Let's then question Doctor Eiland</p>

[5] (Pages 17 to 20)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[21]	[22]
<p>1 about his thesis. The intention of the 2 final examination or the qualifying 3 examination is to determine -- The candidate 4 has already passed the course work 5 component. 6 And so, the intention here, then, 7 is to assure the committee that the 8 candidate has a grasp of what was conducted. 9 If this person who will be presumed by all 10 those who read his or her thesis as an 11 expert of sorts in that area, that that 12 person truly is capable of answering 13 questions that might relate directly to what 14 he did or she did, and also might relate to 15 other aspects of that research that weren't 16 necessarily a component of his research. 17 Let me give you an example. 18 His research involved using 19 shelter animals and necropsy cases to either 20 confirm or deny agreements between antigen 21 tests and necropsy results. Someone might 22 ask a question like, "Are you familiar with 23 the current patient side or point of care</p>	<p>1 test for diagnosis of heartworm?" 2 Certainly, Doctor Eiland would know what I'm 3 talking about. And he would say, "Yes, I 4 am." "Well, talk to us about what they are, 5 who manufactures them, how the veterinarian 6 would use them, and how you feel that they 7 should be used in a practice situation." 8 Now, those might not relate to directly to 9 what he did, but it allows the committee to 10 assess his skills as a scientist in this 11 area. 12 So, the purpose is to -- is to 13 concentrate on any aspect of the thesis that 14 we felt was weak or that wasn't clearly 15 written. Normally, what we do is we return 16 it to the candidate and say this is, you 17 know, not -- this needs some revision or 18 here are my suggestions. It's not customary 19 to get to an exam and say, "Well, this won't 20 work. It's all wrong." Because all that 21 would have done prior. By the time we get 22 to the exam, we're interested in determining 23 the candidate's breadth of knowledge in this</p>
[23]	[24]
<p>1 topic and to deal with specific issues. A 2 committee member might say, "On page eight 3 paragraph two, you mentioned something 4 that -- after having read it a second time, 5 I'm not so sure that you have evidence to 6 support that." 7 And then he would make a note -- 8 Doctor Eiland would make a note, and then we 9 would make a decision about whether to 10 change it or leave it. And you mentioned 11 what role of the major professor is. The 12 role of the major professor is to oversee 13 that process and to make a decision when 14 there's disagreement between Doctor Eiland 15 and a committee member, between two 16 committee members. Someone has to take 17 charge and manage the situation. That's the 18 role of the major professor. 19 But having said that, the purpose 20 of the final examination is an assessment of 21 the candidate's skills in that area of 22 research and to -- if anything needs to be 23 addressed -- address any deficiencies that</p>	<p>1 are present in the feces in this case. 2 Q Were there deficiencies that needed to be 3 addressed? 4 A In Chris's Master's thesis? 5 Q Right. 6 A No. Actually the committee was quite happy 7 with Doctor Eiland's performance in that 8 Master's thesis. 9 Q What members were in attendance for that? 10 A All of those members were in attendance. 11 Q Okay. Do you remember telling that 12 committee at that time that there was a 13 possibility that they would be asked to 14 serve as his advisory committee for his PhD 15 program? 16 A We may have discussed -- The answer to your 17 question is, no, I do not remember 18 specifically saying that, but I'm not 19 denying that I didn't say it. What we may 20 have talked about was Doctor Eiland has some 21 desire to continue in the program. We -- 22 We, at least at this point, may pursue 23 certain avenues that either were pursued,</p>

[6] (Pages 21 to 24)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[25]	[26]
<p>1 plus additional avenues that weren't pursued 2 that relate to feline heartworm infection. 3 But as I mentioned earlier, what I would 4 have said then might have been simply a -- 5 Oh, by the way, there's nothing official 6 about it until all of those committee 7 members are identified by signature on a 8 plan of study and agreed upon by the 9 graduate school. Yes, ma'am.</p> <p>10 Q Have you discussed with Doctor Eiland the 11 possibility of him continuing with the PhD? 12 A Yes, ma'am. 13 Q Tell me about those discussions. 14 A Well, Chris had an interest in research. He 15 had completed his DVM degree and a Master's 16 degree, and had discussed with me perhaps 17 alternative career paths. Maybe he wanted 18 to do something else. At least, I took it 19 to mean that that was an option. And 20 certainly it's not an option that I 21 discourage because in our discipline now, we 22 encourage veterinarians to consider other 23 options besides traditional veterinarian</p>	<p>1 practice. 2 So, if and when and under what 3 circumstances Chris and I discussed that, I 4 would not have discouraged him from pursuing 5 it. Because during his Master's program, he 6 had performed certainly acceptably, and all 7 committees signed off on his work. His 8 course work, at least to the extent that I 9 was familiar with it, was well done. I 10 didn't have any problems with it. 11 So, to discuss a continuation 12 wouldn't be out of the ordinary at all under 13 those situations -- under that situation.</p> <p>14 Q What alternative employment paths or 15 professional paths did he discuss with you? 16 A Well, I think -- I think Chris had mentioned 17 an interest in the pharmaceutical industry. 18 I had tried on a couple of occasions to -- 19 after I had seen a couple of openings, to 20 contact individuals and had encouraged -- 21 The way these things usually work is their 22 openings are discussed -- their openings are 23 posted on their web sites usually. And I</p>
[27]	[28]
<p>1 would ask Chris, "Go see if there's anything 2 that you like and that interests you." And 3 then the process of application is via the 4 Internet. I said, "It always helps if you 5 have someone that you know, and I know all 6 of them." And I said, "If there's any way 7 that I can help, I would be happy to talk to 8 them. If you have a specific position that 9 you're interested in, and if there's someone 10 that I can talk to that I know, I would 11 certainly be happy to do that."</p> <p>12 Q If a student at Auburn University gets his 13 Master's and then his -- what is it -- DV -- 14 MR. KNIGHT: DVM. 15 Q -- M? And then a PhD, does that improve his 16 marketability with a pharmaceutical company? 17 A It could. It could very well do that. A 18 lot of it depends on the position to which 19 he's applying. Positions in professional 20 services, which is a segment of our 21 industry, pharmaceutical industry in which 22 veterinarians actually oversee their field 23 veterinarians, that would not be a</p>	<p>1 qualification that an employer would 2 necessarily be interested in. That employer 3 in that instance would be more interested in 4 the individual's practice experience. If 5 they had some research background, it might 6 be helpful but not necessarily so. A person 7 who had an interest in research and 8 development, a pharmaceutical company in -- 9 Do you mind if I just elaborate just to sort 10 of -- it will sort of help explain this.</p> <p>11 Q Go ahead. 12 A The pharmaceutical industry is divided into 13 a number of different disciplines and 14 sections. Research and development, which 15 can be discovery and product evaluation and 16 delivery, it could be pharmacal vigilance. 17 It can be professional services, in which it 18 deals with products and issues in the field. 19 It could be regulatory, in which they deal 20 with the regulatory agency. It can be 21 marketing. It can be sales. 22 So, all of these different areas 23 in the pharmaceutical industry require</p>

[7] (Pages 25 to 28)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[29]</p> <p>1 different skills. In some instances the 2 PhD, particularly in research and 3 development, might help. In other 4 instances, marketing, sales, professional 5 services, even pharmacal vigilance, they may 6 not help. 7 So, it would depend on the 8 position. It would be hard to say unless I 9 saw the specific position whether it would 10 help or not. 11 Q If someone is interested, as I think Doctor 12 Eiland was, in getting his PhD focusing on 13 parasitology and going to work for a 14 pharmaceutical company, say, in the area of 15 research, what type of initial salary could 16 he expect? 17 A Gosh. I would have to say I don't know, 18 because I don't ask my colleagues what they 19 make and really have never had any one of 20 them tell me what they make. You would have 21 to -- You could ask them that. They would 22 be able to tell you. 23 Q On these job postings that you see, do they</p>	<p style="text-align: right;">[30]</p> <p>1 give a salary range? 2 A Generally, they'll say salary commensurate 3 with experience, background. Sometimes they 4 may give a range. I've not been in the 5 market for a job for a long time, so I've 6 really not looked at them. I'm perfectly 7 happy where I am. 8 So, I really have little need to 9 visit these sites and to talk to people 10 about actual salary figures. Now, I would 11 tell you that I'm often called by colleagues 12 who are applying and would ask for a 13 reference, and I would write a reference for 14 them. But they might provide he for me a 15 description of the position but not 16 necessarily a salary figure. 17 So, I would have to say that I 18 really couldn't answer that accurately. 19 Q Okay. You had mentioned a plan of study. 20 Tell me where you were in the process of 21 creating a plan of study for Doctor Eiland 22 in the PhD program. 23 A We had not as yet identified a plan of</p>
<p style="text-align: right;">[31]</p> <p>1 study. I'm not aware. I've not seen a 2 record of a plan of study that a committee 3 which had not been based on what I'm 4 familiar with decided upon and signed. I 5 have no such document. We may have talked 6 about additional course work, or we may have 7 sat down, and probably did, since he had 8 enrolled in courses in the fall of 2003, and 9 probably did talk about course work. 10 But to tell you a bit about how 11 this works, the graduate school has made 12 every attempt to encourage mentors, major 13 professors and candidates to identify 14 committees as soon as possible, to identify 15 course work as soon as possible. But 16 oftentimes, probably more often than not, 17 that doesn't necessarily happen, you know, 18 during the first few months, sometimes 19 during the first six months of a candidate's 20 program. Certainly I would be a proponent 21 of doing it as early as possible. But it's 22 not at all unusual for it not to be 23 submitted and signed on, decided upon, and</p>	<p style="text-align: right;">[32]</p> <p>1 placed in the file two or three months into 2 a program officially. 3 Q How many months was he into this program? 4 Do you remember? I know this is December, 5 and I'm not sure when the quarter started. 6 A The quarter starts August 15th now. So, 7 you're talking about four months. 8 Q So, after four months, you hadn't even 9 started a plan of study? 10 A No. We had not drafted a plan of study. We 11 had not decided on a committee yet at that 12 point. And, again, that's not at all 13 unusual. 14 Q At what point does that usually take place? 15 A Well, it depends. Some candidates who have 16 a very, very good idea of what they want to 17 do and have decided on their research topic 18 and have a good idea of supportive course 19 work that would be necessary, or if we, at 20 this point, would have been knowledge of 21 what supportive course work was necessary, 22 we could do it right away. What you have to 23 remember is -- I mean, what you should</p>

[8] (Pages 29 to 32)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[33]</p> <p>1 remember is -- But what we have to remember</p> <p>2 is that all these courses aren't offered at</p> <p>3 the same time. Oftentimes, they're offered</p> <p>4 on alternate years.</p> <p>5 So, it's very difficult to sit</p> <p>6 down and draft a plan of study sometimes two</p> <p>7 or three years out when you don't</p> <p>8 necessarily know when courses are going to</p> <p>9 be available now. The bulletin will tell</p> <p>10 you that this course is offered every other</p> <p>11 year or even years or odd years, but that's</p> <p>12 not necessarily what happens. It depends on</p> <p>13 the number of students that enroll. A</p> <p>14 number of factors can come into play.</p> <p>15 So, it just depends. It varies</p> <p>16 from student to student.</p> <p>17 Q How long is a student generally in a PhD</p> <p>18 program before graduating?</p> <p>19 A Gosh, that's a difficult one, and it depends</p> <p>20 on the discipline. Certainly, we like to</p> <p>21 matriculate our students to complete their</p> <p>22 programs within three years. That's a goal.</p> <p>23 Without the Master's degree, five years,</p>	<p style="text-align: right;">[34]</p> <p>1 usually. We require Master's in our</p> <p>2 program, at least I do.</p> <p>3 So, I would say anywhere from</p> <p>4 three to five years. It's not unusual in</p> <p>5 some disciplines for candidates to finish in</p> <p>6 three years. In other disciplines,</p> <p>7 particularly in anatomic pathology in which</p> <p>8 residents are co-training in residency</p> <p>9 programs that are ongoing for it to take</p> <p>10 five or six years. So, it varies.</p> <p>11 As I mentioned earlier, the</p> <p>12 graduate school has made every attempt to</p> <p>13 flexibilize graduate training and not</p> <p>14 necessarily to dictate to the committee when</p> <p>15 they do everything: You will have this done</p> <p>16 by this point in time. The attempt is to</p> <p>17 let the committee, who we presume knows the</p> <p>18 most about the candidate and what the</p> <p>19 candidate wants to do and what their</p> <p>20 particular interests are, let's them take</p> <p>21 charge and manage the program.</p> <p>22 Q Would you have been the person who knew more</p> <p>23 about Doctor Eiland than any of the other,</p>
<p style="text-align: right;">[35]</p> <p>1 say, members of the Master's committee?</p> <p>2 A What do you mean by "know more about"?</p> <p>3 Q I'm just repeating what you just said, that</p> <p>4 I think you testified that whoever is in</p> <p>5 charge or the major professor plans or</p> <p>6 drafts the plan of study because that's the</p> <p>7 person that is in the position of knowing</p> <p>8 more about the candidate, the PhD candidate.</p> <p>9 MR. KNIGHT: Object to the form. I</p> <p>10 think that's a</p> <p>11 mischaracterization --</p> <p>12 MS. DICKEY: Okay.</p> <p>13 MR. KNIGHT: Yeah, I think that</p> <p>14 mischaracterizes his testimony.</p> <p>15 A There may be members of the committee who</p> <p>16 perhaps could have talked with Doctor Eiland</p> <p>17 at one time or another about one particular</p> <p>18 goal or aspiration that he had more so than</p> <p>19 me. So, there may be members of the</p> <p>20 committee who maybe know more about what he</p> <p>21 wants to do or at least what his latest take</p> <p>22 on what he wants to do more than me.</p> <p>23 But I wouldn't disagree with you.</p>	<p style="text-align: right;">[36]</p> <p>1 Generally, my discussions with Chris, and</p> <p>2 frequent discussions with Chris, probably</p> <p>3 would put me in a better position of</p> <p>4 determining what his goals were. But it's</p> <p>5 not entirely true in every instance that the</p> <p>6 major professor might spend more time</p> <p>7 talking about future plans. Now, the major</p> <p>8 professor might spend more time talking</p> <p>9 about specific components of his research</p> <p>10 and specific course work and things like</p> <p>11 that. But if Doctor Eiland were to talk to</p> <p>12 Doctor Dillon about going to work for these</p> <p>13 people or doing that, or I notice this, or I</p> <p>14 notice that, and this is something that</p> <p>15 might interest me, I might not be aware of</p> <p>16 that.</p> <p>17 MR. KNIGHT: Usual stipulations? I</p> <p>18 don't think we got it on the</p> <p>19 record.</p> <p>20 MS. DICKEY: Yes.</p> <p>21 MR. KNIGHT: Okay.</p> <p>22 Q Who gets the plan of study?</p> <p>23 A Each member of the committee gets a copy of</p>

[9] (Pages 33 to 36)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VP

<p style="text-align: right;">[37]</p> <p>1 the plan of study. One is retained in the 2 school of graduate studies. One is retained 3 in the office of graduate studies in the 4 College of Veterinary Medicine in the 5 program of biomedical sciences. 6 Q I know that the time frame is flexible, but 7 is there a deadline for forming a plan of 8 study? 9 A Well, certainly as I mentioned to you, the 10 graduate school likes to see these things 11 move along. But I'm not aware that any 12 particular mentor or advisor or major 13 professor is called periodically, e-mailed 14 periodically, and say we have not received 15 this. 16 In our -- I think in our 17 description of the program in biomedical 18 sciences, we may have statements about when 19 we would like to see a plan of study 20 submitted and when we would like to see a 21 committee assembled. But it's not at all 22 unusual for sometimes to take a bit longer 23 than perhaps guidelines might suggest.</p>	<p style="text-align: right;">[38]</p> <p>1 Q Are you currently a major professor for a 2 student? 3 A I am. 4 Q And who is that student? 5 A Well, her name is Heather Stockdale right 6 now. 7 Q And is she also a graduate research 8 assistant? 9 A She is. Uh-huh (positive response). She 10 might be a graduate teaching assistant. 11 There are two designations. And the College 12 of Veterinary Medicine is awarded teaching 13 and research assistantships from the main 14 campus. And when we're awarded one and a 15 student gets it, it allows them to waive 16 tuition and fees. And sometimes they're 17 given GTAs. Sometimes they're given GRAs 18 So, it's not necessarily an 19 attempt to get one over the other. The 20 requirement, of course, with a teaching 21 assistantship is that they do assist us in 22 the teaching laboratory and in the teaching 23 lecture hall. And sometimes GRAs assist in</p>
<p style="text-align: right;">[39]</p> <p>1 the laboratory and in the teaching lecture 2 hall. Sometimes GTAs assist with ongoing 3 research in the laboratory. 4 So, a title doesn't necessarily 5 dictate or restrict responsibilities, if you 6 know what I mean. 7 Q How long have you been her major professor? 8 A Let's see. Heather arrived, I think, in 9 June of 2004. 10 Q Does she have a plan of study? 11 A She does. 12 Q Does she have an advisory committee? 13 A She does. 14 Q Do you remember at what point after she 15 arrived that plan of study was drafted? 16 A I do not, but I would presume that it was 17 certainly within the first six months of her 18 program. May have been a little longer than 19 that. 20 Q Tell me the process of getting an advisory 21 committee. 22 A Well, generally, what you do is you discuss 23 with the candidate, advisory committee</p>	<p style="text-align: right;">[40]</p> <p>1 candidates -- Well, first of all, you want 2 to have a good idea of what the research is 3 going to be and what you're going to focus 4 on, and those are oftentimes in the form of 5 objectives or goals, maybe like chapters in 6 a book. One chapter has this component of 7 the research. The next chapter has that 8 component. And one chapter might be 9 serology, which has an immunology componen 10 And so, as a major professor and 11 in conjunction with a potential candidate, 12 you would sit down and go over those goals 13 and objectives in research. And you would 14 say, "Okay. Looks like were going to need 15 an immunologist because one component is 16 immunology." And certainly I know 17 immunology, but I want to have somebody that 18 can help me in case we encounter questions 19 or issues that I can't answer. The next 20 component might be a PCR technique, called 21 Polymerase Chain Reaction, which we amplify 22 genes, which is clearly a molecular 23 technique. And if a component of that</p>

[10] (Pages 37 to 40)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[41]	[42]
<p>1 involves molecular techniques, then we would 2 ask a member of the committee who was an 3 expert in that area. 4 And so, they're identified based 5 on their expertise. Sometimes they're 6 identified based on that. And if they have 7 general knowledge, if they're well-trained 8 in a broad base of disciplines and have been 9 good collaborators and mentors and student 10 supporters in the past, to me, that's as 11 important as having someone who's an expert 12 in an area. So, it's a combination of 13 things. Identifying people that can 14 contribute, that will contribute, that will 15 take an active role. People that are 16 experts in certain areas, whose expertise is 17 consistent with the candidate's research 18 goals. Does that answer your question? 19 Q I think so. At the time that you were 20 Doctor Eiland's major professor, were you 21 also another student's major professor? 22 A At this point, I can't remember. If I was, 23 it would have been Sarah Billeter, I think.</p>	<p>1 She may have come after him. There may o 2 may not have been a student that was in 3 training concurrent. She may have finished 4 just before. She may have come on board 5 just after. The more I think about it, I 6 think Sarah came on after Doctor Eiland. 7 And then there were several that preceded 8 Doctor Eiland, both male and female. 9 But at the time as I recall, I 10 think Chris was the only graduate student in 11 the laboratory, but I may be wrong. There 12 may have been a couple of months overlap 13 with students. 14 Q What area is your specialty or major 15 expertise? Is that the parasitology -- 16 A Right. 17 Q -- that we've already discussed? 18 A I'm what you would term a classical 19 parasitologist, which means that I've been 20 trained very broadly in a lot of areas, in a 21 lot of aspect of parasites and parasitic 22 diseases. My knowledge, one might draw an 23 analogy and say is a mile wide and an inch</p>
[43]	[44]
<p>1 deep. And a molecular biologist on the 2 committee knowledge might be a mile deep and 3 an inch wide, if you see what I mean. 4 Q I do. How many other students besides 5 Doctor Eiland has shown an interest in 6 parasitology for the PhD program? 7 A Over the course of my career, recently? 8 Q Let's say in the last ten years. 9 A Oh, gosh. If I would have known you would 10 have asked that question, I would have 11 brought my vitae and could have given you 12 their names and when they started and when 13 they applied. And there's always a number 14 of students who apply. 15 Q Let me modify the question. It might make 16 it easier. After receiving a DVM, how many 17 students have you had who were interested in 18 getting a PhD after their DVM? 19 A Or a Master's or a PhD or just a PhD? 20 Q PhD. 21 A I can't recall a single one; but if we were 22 to list those students at Auburn University 23 in the last ten years who fell into that</p>	<p>1 category, there would be very few too. 2 We've had some difficulty in recruiting 3 veterinarians into PhD programs. And by 4 "we," I mean, Auburn University's College of 5 Veterinary Medicine because -- I'll offer a 6 variety of reasons. Oftentimes, graduate 7 veterinarians want to practice. They want 8 to hone those skills. They've been going to 9 school for years. They want to get out 10 there and use, that many have debt. We do 11 have a few, one or two, at the college right 12 now that are pursuing a PhD immediately 13 after getting their DVM. But when you 14 consider, you know, over the last five years 15 that we've graduated, you know, almost five 16 hundred students, the number that do that is 17 really very few. 18 Q We talked earlier about research that Doctor 19 Eiland did while he was a student, both for 20 the Master's program and the PhD. What 21 happens to that research when a student 22 leaves the university? 23 A Well, historically, I think the policy of</p>

[11] (Pages 41 to 44)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VP

[45]	[46]
<p>1 the University is that data generated at a 2 university remains the property of the 3 university, remains in the laboratory of the 4 principal investigator, or, in this case, 5 the major professor. 6 Now, certainly it's prudent to 7 want to publish or present that work. And 8 certainly, with Doctor Eiland's work, we did 9 that with him as first author, primary 10 author. Because his work, I think, after 11 having been conducted, was worthy of 12 presentation. 13 Q And what publication was that? 14 A Well, it was a presentation at the National 15 Association of -- American Veterinarian 16 Medical Association 2004, I think, in 17 Philadelphia. It was published as an 18 abstract. I think I provided you with a 19 copy of that abstract. 20 Q And that was in 2004? 21 A Uh-huh (positive response). 22 MS. DICKEY: Do I have that? I 23 don't --</p>	<p>1 MR. KNIGHT: No. I have it produced. 2 They are due tomorrow. I was just 3 putting them together. 4 MS. DICKEY: I knew we were getting 5 close on the date. 6 MR. KNIGHT: Yeah. 7 MS. DICKEY: Okay. So, I'll see that 8 later. 9 MR. KNIGHT: I think, actually, you 10 might have produced a copy of that 11 as well. I don't know what that 12 is. 13 A Yeah, it looks like that it didn't copy very 14 well. No, no, no, no. No, we're not 15 getting -- it's a -- National meetings, what 16 we normally do is submit an abstract. And 17 that abstract, which is a brief summary of 18 the published research with contributing 19 investigators, authors, which in this 20 instance was simply his committee, and then 21 with Chris listed first. I simply stand up 22 at the national meetings with me listed 23 last. And my first statement, and there are</p>
[47]	[48]
<p>1 persons who were there that can corroborate 2 it, is that this work is entirely the work 3 of Doctor Chris Eiland, and I'm presenting 4 it at this meeting. And it appears as an 5 abstract, a summary. It's not subjected to 6 purview or assessment. It's simply a 7 summary of what each individual will 8 present. And I indicated to Chris that I 9 was going to present that work. He knew 10 about it. 11 Q Are there other publications that you've 12 written where you've recognized Chris Eiland 13 as the -- as a contributor for the research? 14 A Probably not, because he would not have -- 15 Not that I'm aware of because he would not 16 have participated to the extent that would 17 warrant what we call co-authorship. Student 18 assistants providing day-to-day labor and 19 assistance with a project sometimes are 20 acknowledged; sometimes not. Their 21 acknowledgment is the wage that they get for 22 assisting with the project. But it's not 23 customary to include persons on a paper</p>	<p>1 unless they're -- unless they contribute 2 substantially to the generation of the 3 science, the evaluation of the science. In 4 this instance, the conception and monitoring 5 of the science, hence the committee members, 6 that sort of thing. I'm not aware -- I 7 don't recall any of them. 8 MR. KNIGHT: I don't know if you -- 9 those are documents that you 10 produced. I don't know if you're 11 referring to those. 12 A Well, there are lots of them. In my vitae 13 there are -- and please don't presume that 14 this arrogance in any way. But there are 15 300 of them, and you can go back and look at 16 them. And sometimes graduate students are 17 cited if their contributions are 18 substantial. Sometimes laboratory 19 participants, like Jamie Butler, Tracy Land, 20 who are research assistant threes in the 21 laboratory serve as co-author because their 22 contributions are substantial. In the 23 identification of specific methodologies,</p>

[12] (Pages 45 to 48)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[49]	[50]
<p>1 they're help in interpretation of the 2 results or conduct of statistics or 3 preparation of tables. 4 I mean, the practice of science is 5 different in different laboratories. Some 6 laboratories, if a person had lunch with 7 you, they might be a collaborating author. 8 In other laboratories, it's a bit more 9 demanding. So, it just depends. 10 Q Explain the process used at Auburn 11 University for selecting a major professor. 12 A Well, normally, it would depend on the 13 application process. If the applicant was 14 unbeknownst to us and applied via the 15 Internet or simply made inquiries to the 16 college but had an interest in one 17 discipline or another, that individual might 18 be given the names of persons to talk to. 19 If that person enrolled in the college -- or 20 enrolled in the graduate school and was 21 accepted because of prior record -- and 22 we've had students, for example, who came to 23 us from premiere institutions with graduate</p>	<p>1 record exam score that would put them in the 2 99% percentile -- and those are very 3 desirable students. We don't necessarily 4 know them, and so they might rotate through 5 different laboratories. And what I mean by 6 that is they might do two weeks in my 7 laboratory, two weeks in another faculty 8 member's laboratory. And at the end of that 9 rotation, they would decide based on their 10 interest who they wanted to work with. 11 Another way, which is certainly 12 more the way Doctor Eiland, is to -- by 13 prior relationship, you know, either as a 14 student assistant or by daily interactions a 15 faculty member might say, "I'd like to work 16 with you." You know, "Can we do this." It 17 could happen with anyone in the college. 18 I've seen it happen that a person would work 19 with me at this level and then later on 20 develop a relationship with someone else and 21 work with them at the level of the PhD. It 22 can vary. Does that answer your question? 23 Q It does. Well, my next question was how did</p>
[51]	[52]
<p>1 you become Doctor Eiland's major professor? 2 A Uh-huh (positive response). And he and I -- 3 because he was a student assistant, because 4 he had an interest in parasitology, I 5 decided that -- well, let's go ahead and try 6 to do a Master's. Let's see how well this 7 works. And in my program, I like to require 8 that students do Master's. Some program 9 mentors will take students on for PhDs 10 without a Master's. But my decision has 11 always been that that can be unwise because 12 the Master's gives you some idea of how well 13 they'll perform at a level that perhaps is 14 not as complex and is not as stressful. 15 PhD is a different program 16 entirely. It requires more independence. 17 It requires more independent conception. It 18 requires more work. It requires more 19 intense work and more vast work oftentimes. 20 So, my feeling is that a Master's 21 degree allows me to gauge a student's 22 performance and then make a decision whether 23 or not to -- they might be an acceptable</p>	<p>1 candidate. It's not always a guarantee that 2 that person is going to succeed at the PhD 3 level. There are documented instances in 4 which persons performed well at the Master's 5 level and didn't do well at the PhD level at 6 all. 7 Q Generally, would it cut down the years to 8 get your PhD if you have a Master's? 9 A Maybe. It could. Might not necessarily do 10 that depending upon the nature of your 11 research. Like I said, it varies 12 tremendously by discipline and by research 13 project. Some research doesn't work quite 14 well the way you wanted to the first time, 15 and so you have to back up and start again. 16 You have choose a different topic. It 17 happened to me during my research. I 18 started working on, actually, feline 19 aspirates during my PhD. And we decided 20 that there are just too many pitfalls. Too 21 hard too. And so, I moved to a different 22 project. So, it's not at all unusual for a 23 person to change their focus. When that</p>

[13] (Pages 49 to 52)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[53]	[54]
<p>1 happens, it certainly can delay their 2 progress. 3 Q Okay. 4 (At which time, a recess was 5 taken.) 6 Q When did you first become aware of Doctor 7 Eiland's interest in parasitology? 8 A You know, I really don't know. It's been -- 9 Chris worked as a student assistant for us 10 for a number of years. And my guess is that 11 it was probably brought up sometime during 12 his -- during his tenure as a student 13 assistant even before he got into veterinary 14 school, but I couldn't tell you exactly when 15 that was. 16 Q Were you one of his professors in veterinary 17 school? 18 A I was. 19 Q Did you have an opportunity to form an 20 opinion of Doctor Eiland as a student? 21 A As a professional student. Well, you'll 22 have to keep in mind that I didn't interact 23 with Chris any more than any other</p>	<p>1 instructor within the professional degree 2 program when it came to course work. I may 3 have -- I may have talked with him more 4 because he worked in the laboratory during 5 his -- during his tenure as a veterinary 6 student if, in fact, he did. I can't 7 remember if he stayed on. Normally, the 8 students don't during their first and second 9 year because they have too much to do. So, 10 I would -- I would know as much as I knew 11 about the other students by looking at the 12 grade book. I would know perhaps a little 13 more about what Chris was doing on a 14 day-to-day basis that didn't relate 15 necessarily to my course because I might see 16 him in the laboratory or see him more often. 17 But aside from his performance in the 18 parasitology course, I wouldn't have any 19 more knowledge of what he was doing or how 20 he was doing it than I would any other 21 student. 22 Q How did he do in that course? 23 A He did fine.</p>
[55]	[56]
<p>1 Q Do you know of any positions of honor that 2 Chris Eiland held while he was a student? 3 A I don't -- I don't recall any. I'm not 4 saying that at one time or another I might 5 not have been aware if he participated in 6 this particular element of the professional 7 degree program or not; but at this point, I 8 don't recall anything specifically. 9 Q Okay. 10 A Excuse me. Now, were you talking about, 11 like, offices held? 12 Q Yes. 13 A Yeah, I was aware that he was -- he was the 14 class president for the student. Yes, 15 ma'am, I was aware of that. 16 Q And when was that? 17 A Well, I was aware that he was class 18 president when he was taking my course. 19 Now, he may have been class president prior 20 to that. He may have been class president 21 after that. But like I said, my 22 interactions with Chris are no more, no less 23 than any other student when they're in my</p>	<p>1 course. 2 So, you tend to be tuned in, if 3 you know what I mean, to what's going on 4 with a particular class and individuals in 5 that class while you're teaching them during 6 the year that you're teaching them. Then 7 they move on to the next year, even the next 8 semester. When we're done, your daily 9 interactions with them fall off. 10 Q Okay. Did you recommend to Chris Eiland 11 that he continue his education beyond the 12 DVM program at Auburn University? 13 A I may have. 14 Q If you did, why would you have done that? 15 A Well, a good bit of it probably had to do 16 with the fact that he had approached me and 17 had expressed an interest and had asked me, 18 "I have an interest. Do you think it's 19 something that I should do or could do? 20 Would it benefit me?" And my response would 21 have been the same as it was a minute ago: 22 "Could. And if you have an interest in 23 parasitology, I'll certainly do everything I</p>

[14] (Pages 53 to 56)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[57]</p> <p>1 can to help you pursue it."</p> <p>2 Q Did you have discussions with Chris Eiland</p> <p>3 about the possibility of teaching at Auburn</p> <p>4 University at some point in the future?</p> <p>5 A No. I might have said something like, and</p> <p>6 perhaps did, that Doctor Hendrix and I will</p> <p>7 be retiring soon, you know. There will be</p> <p>8 available positions. But certainly it would</p> <p>9 not have been my intention to either ensure</p> <p>10 or to imply that he or anyone else could</p> <p>11 simply move in or occupy those positions</p> <p>12 without competing. I mean, I wouldn't have</p> <p>13 said that.</p> <p>14 Q But you could have suggested that that might</p> <p>15 be a possibility for him?</p> <p>16 A I suppose I could suggest it. It would be a</p> <p>17 possibility for Heather too. It could be a</p> <p>18 possibility for any other graduate student.</p> <p>19 Q But have you discussed it with Heather?</p> <p>20 A Oh, of course. We've discussed -- not</p> <p>21 particularly my position, but we've</p> <p>22 discussed any number of positions at</p> <p>23 academic institutions when person's --</p>	<p style="text-align: right;">[58]</p> <p>1 positions become available. I just</p> <p>2 discussed one the other day with her that</p> <p>3 was brought to my attention.</p> <p>4 Q Is Doctor Hendrix close to retirement?</p> <p>5 A You would have to ask him that.</p> <p>6 Q You've not had discussions with him about</p> <p>7 retiring?</p> <p>8 A In a general sense, but not about specific</p> <p>9 dates or what his intentions are.</p> <p>10 Q What has he said to you in a general sense?</p> <p>11 A "Well, we're all getting older. We've been</p> <p>12 here 25 years. It's time to start thinking</p> <p>13 about retirement sometime in the future,</p> <p>14 isn't it?" Something like that. But I</p> <p>15 could no more tell you what his specific</p> <p>16 intentions are than I could tell you what</p> <p>17 yours are or Lane's are.</p> <p>18 (Thereupon, a discussion was</p> <p>19 held off the record.)</p> <p>20 Q Did Doctor Eiland work as a research</p> <p>21 assistant in the lab? I think we've already</p> <p>22 said he did.</p> <p>23 A Yes, ma'am, he did.</p>
<p style="text-align: right;">[59]</p> <p>1 Q How long did he work in the lab?</p> <p>2 A Well, like I said, there were probably two</p> <p>3 or three years prior to his acceptance into</p> <p>4 veterinary school, and then, maybe,</p> <p>5 intermittently during his period of</p> <p>6 enrollment in the professional degree</p> <p>7 program. And then, maybe, intermittently</p> <p>8 during the conduct of his Master's. His</p> <p>9 project actually involved a lot of</p> <p>10 collection off site.</p> <p>11 So, he did much of his work at the</p> <p>12 shelter and then would bring his specimens</p> <p>13 back. Oftentimes at later hours because,</p> <p>14 obviously, he was a student and had to do</p> <p>15 some of these things when he had the time to</p> <p>16 do them. And sometimes that would be</p> <p>17 evenings and weekends when the others</p> <p>18 wouldn't be around; not all the time, but</p> <p>19 sometimes.</p> <p>20 Q Was there a certain number of hours that he</p> <p>21 was required to work in the lab?</p> <p>22 A No.</p> <p>23 Q Was Jamie Butler working in the lab during</p>	<p style="text-align: right;">[60]</p> <p>1 the same years that Chris Eiland was there?</p> <p>2 A Jamie Butler was the laboratory supervisor.</p> <p>3 It's her responsibility to coordinate the</p> <p>4 activities, particularly of student</p> <p>5 assistants. And those are her assigned</p> <p>6 responsibilities from me.</p> <p>7 Q And how long has she been in that position?</p> <p>8 A Well, I would say now probably about seven</p> <p>9 or eight years. So, she's been with me a</p> <p>10 total of 12 years, or thereabouts. And</p> <p>11 during those first three or four years, she</p> <p>12 was assigned to a post-doc that's working in</p> <p>13 my lab, so she reported to him. And then</p> <p>14 when he moved on, I recognized that Jamie</p> <p>15 did have some organizational skills and</p> <p>16 capability to supervise particularly student</p> <p>17 assistants. So, she moved into the other</p> <p>18 laboratory at that point.</p> <p>19 Q So, is Jamie Butler paid from funds that you</p> <p>20 provide?</p> <p>21 A In part, and in part by State funds.</p> <p>22 Q Okay.</p> <p>23 A The reason for that is that part of her</p>

[15] (Pages 57 to 60)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[61]</p> <p>1 responsibilities involve teaching and 2 diagnostic services, which serve our clinics 3 and veterinarians statewide and in the 4 Southeast. So, there's a justification for 5 a component of her salary coming from State 6 funds. 7 Q What about funding for the graduate research 8 assistants? Where does that money come 9 from? 10 A Well, there are a number of discretionary 11 sources from the office of research. More 12 times than not -- and I think each time in 13 Chris's situation -- they came from my 14 research support that I garner from outside. 15 Q Was Chris Eiland's position as a graduate 16 research assistant contingent on being a 17 graduate student, PhD student? 18 A Well, to receive one of the positions 19 through the office of associate dean, which 20 implied a tuition waiver, yes. You have to 21 be a graduate student to get those. You can 22 be a graduate student and either not have a 23 stipend or an assistantship or work on an</p>	<p style="text-align: right;">[62]</p> <p>1 hourly basis. There are any number of ways 2 that you can be involved without necessarily 3 being an assistant, having an assistantship. 4 Q Did you have a good relationship with Chris 5 Eiland when he was a student at Auburn 6 University? 7 A Chris and I had a very good relationship 8 during his professional degree program and 9 as a student assistant and during the 10 majority of his Master's program. 11 Q Did you receive complaints about Chris 12 Eiland from anybody? 13 A Yes. 14 Q Who did you receive complaints from? 15 A Well, I received complaints from Jamie 16 Butler, Tracy Land, a number of student 17 assistants, whose names I can provide to 18 you: Brandy Brunson, Kelly Joiner, Pete 19 Christopherson, Stuart Price. I had -- had 20 an incident brought to my attention by Lori 21 Nelms. I had a complaint from -- what is 22 her name? She's our secretary in the front 23 office -- Miranda Webb, Linda King. Perhaps</p>
<p style="text-align: right;">[63]</p> <p>1 others. Those are the ones that come to 2 mind right now. 3 Q What were the complaints from Jamie Butler? 4 A Well, I think you probably have a -- 5 MR. KNIGHT: No, we've produced no 6 documents at this point. They're 7 due tomorrow. 8 A Okay. Then I'll outline them for you. A 9 number of them, beginning in August of 2003, 10 near the end of August, began with 11 complaints of confrontation with other 12 students in the laboratory. Demands made by 13 Chris about how he'd be addressed. Chris 14 ordering Jamie that he would take -- he 15 could take calls. He was a veterinarian. 16 He could take diagnostic calls. And, of 17 course, that's not necessarily true. 18 Parasitologists are trained professionals. 19 After a period of time and a period of time 20 working in a laboratory and after a number 21 of years, you might be qualified to do that, 22 but just because you're a graduate 23 veterinarian doesn't necessarily mean that.</p>	<p style="text-align: right;">[64]</p> <p>1 Q All right. Hold on just a minute. Let me 2 ask you about that. Chris Eiland told Jamie 3 Butler that he could take diagnostic calls. 4 A Well, what she told me in one instance, yes, 5 is that she took the phone away from him -- 6 from her, attempted to, and said, "I'm a 7 veterinarian. I can answer that question." 8 And the policy in my laboratory is students 9 do not answer questions from veterinarians, 10 you know. 11 Q What question was Jamie Butler answering? 12 A Well, Jamie is -- comes to the table with 12 13 years experience in diagnostic parasitology. 14 She does dozens and dozens of examinations 15 and procedures a day on a number of host 16 species and talks with me in detail about 17 the results of those procedures, and has a 18 wealth -- a wealth of experience in 19 diagnostic and clinical parasitology. And 20 the presumption that any person who doesn't 21 share that wealth of experience can come in 22 and counsel anyone who calls in about what 23 they might be seeing, what they might be</p>

[16] (Pages 61 to 64)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[65]	[66]
<p>1 dealing with, is incorrect and improper.</p> <p>2 Q Does Jamie Butler receive a number of those</p> <p>3 type calls in the lab?</p> <p>4 A The laboratory receives, yes, numerous calls</p> <p>5 per week.</p> <p>6 Q Okay.</p> <p>7 A Do you want me to continue with these</p> <p>8 people?</p> <p>9 Q Go ahead. Just the complaints from Jamie</p> <p>10 Butler.</p> <p>11 A Well, I might mention to you that she did</p> <p>12 come to me afterwards and say that -- Well,</p> <p>13 what I had said to her is why is all this</p> <p>14 started in August? Why don't -- Why haven't</p> <p>15 I heard about this in the past. And her</p> <p>16 response to me was I just didn't bother you</p> <p>17 with it. We've had these sort of incidents</p> <p>18 that occur even when Chris was a student</p> <p>19 assistant. I just didn't bother you with</p> <p>20 them. I managed them. But at this point,</p> <p>21 on that particular day, I was called. I</p> <p>22 was en route to visit my mother. It was</p> <p>23 Labor Day weekend of 2003, and I was</p>	<p>1 actually called by Tracy Land, the other</p> <p>2 person who corroborated the confrontation</p> <p>3 that was going on in the laboratory, and the</p> <p>4 discomfort, part of the students and the</p> <p>5 staff.</p> <p>6 And so, I simply asked if I could</p> <p>7 talk to Chris. And I told Chris to go home.</p> <p>8 You know, leave the laboratory, and let's</p> <p>9 just move on.</p> <p>10 Q Are you talking about the Labor Day</p> <p>11 weekend --</p> <p>12 A Right.</p> <p>13 Q -- you told him to leave the lab?</p> <p>14 A Well, I told him to go home and quit</p> <p>15 confronting students, quit confronting</p> <p>16 staff, just go home, and we'll deal with</p> <p>17 this when I get back.</p> <p>18 Q Could you be more specific about the</p> <p>19 confrontation with the students?</p> <p>20 A It was a demand to be called "Doctor</p> <p>21 Eiland." It was a challenge. And I would</p> <p>22 encourage you to talk with them if you want</p> <p>23 to know the details. Certainly, they shared</p>
[67]	[68]
<p>1 it with me. It was evident to me that they</p> <p>2 were a bit upset about what was going on in</p> <p>3 the laboratory about his demeanor.</p> <p>4 Occasionally, fearful, you know, of the</p> <p>5 confrontation. Just argumentative, creating</p> <p>6 a situation in the laboratory that wasn't</p> <p>7 conducive to persons doing their job and</p> <p>8 functioning in the laboratory. And Jamie</p> <p>9 can provide you with the names of those</p> <p>10 people that were in the laboratory on that</p> <p>11 specific day and subsequent when those</p> <p>12 events took place.</p> <p>13 Q How often did Jamie Butler come to you with</p> <p>14 these complaints?</p> <p>15 A Well, let's see. During that August, that</p> <p>16 was the first. The next one was probably a</p> <p>17 couple of weeks later in which -- perhaps</p> <p>18 not that long, in which she had complained</p> <p>19 about her desk being rearranged and items</p> <p>20 being put in drawers and stored away, file</p> <p>21 cabinets being moved from the laboratory and</p> <p>22 relocated, corroborated by Tracy Land, who</p> <p>23 is also in the laboratory, corroborated by</p>	<p>1 Jenny Spencer, who is next door. She's</p> <p>2 another person you can put on that list.</p> <p>3 Other incidents that she could account for</p> <p>4 you in detail better than me. Not any one</p> <p>5 of them certainly being that weighty, but a</p> <p>6 combination of all of them over time.</p> <p>7 That and other instances that we</p> <p>8 can talk about too as you move down that</p> <p>9 list that created a situation in which daily</p> <p>10 operation of the laboratory and further</p> <p>11 advancement of Doctor Eiland in his research</p> <p>12 didn't seem possible to me in the</p> <p>13 laboratory.</p> <p>14 Q Would it have been unusual or would you</p> <p>15 consider it wrong if Doctor Eiland wanted to</p> <p>16 be addressed as Doctor Eiland?</p> <p>17 A I wouldn't necessarily consider it wrong. I</p> <p>18 would consider it inappropriate because he</p> <p>19 had worked in the laboratory with those</p> <p>20 students as a student assistant. And for</p> <p>21 weeks prior, months prior, he was referred</p> <p>22 to as Chris, and all of a sudden because he</p> <p>23 graduated in June, he wanted to be referred</p>

[17] (Pages 65 to 68)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[69]</p> <p>1 to as Doctor Eiland.</p> <p>2 In a laboratory environment, it</p> <p>3 may not seem like an important issue, but it</p> <p>4 creates barriers. It creates confrontation</p> <p>5 and feelings that were palpable to me.</p> <p>6 Q Does Jamie Butler have regular work hours</p> <p>7 for the laboratory?</p> <p>8 A What do you mean by "regular work hours."</p> <p>9 Q Well, what are her hours, her work hours?</p> <p>10 A Well, it depends. Some days she's there at</p> <p>11 7:45 on time. Our normal workday starts at</p> <p>12 7:45. Oftentimes, Jamie doesn't arrive</p> <p>13 until later. And I have allowed that for</p> <p>14 her and other members of my staff simply</p> <p>15 because oftentimes they work weekends. They</p> <p>16 work evenings. They are required to come in</p> <p>17 on holidays. Research doesn't stop just</p> <p>18 because it's a holiday or a weekend.</p> <p>19 And one thing that I have learned,</p> <p>20 and it's become a part of my supervisory</p> <p>21 policy is that if you create flexibility in</p> <p>22 the laboratory, people are much more willing</p> <p>23 to work for you and work when they have to</p>	<p style="text-align: right;">[70]</p> <p>1 for you. So, if I tell Jamie to be there at</p> <p>2 7:45 -- we have a meeting, I want her</p> <p>3 there -- she's there. If I tell her to be</p> <p>4 there Saturday morning at 10:00, she's</p> <p>5 there. Sunday morning, 9:00; Sunday night</p> <p>6 at 9:00; she's there.</p> <p>7 So, as a consequence of that, I</p> <p>8 don't pay a lot of attention to when people</p> <p>9 show up and when people leave every day. My</p> <p>10 concern is that the job gets done and that</p> <p>11 progress is made, that our collaborators are</p> <p>12 happy with our research results, and the</p> <p>13 productivity in the laboratory is</p> <p>14 maintained.</p> <p>15 Q Do the graduate research assistants sign in</p> <p>16 or have time cards?</p> <p>17 A They do not. Oh, no. Everyone has security</p> <p>18 cards that they have to swipe after hours.</p> <p>19 But during the day, no, it's not necessary.</p> <p>20 If they're working as student assistants,</p> <p>21 they have to fill out hours that they work</p> <p>22 and then give them to Jamie, which she then</p> <p>23 turns them in. But Mrs. Butler, Mrs. Land,</p>
<p style="text-align: right;">[71]</p> <p>1 graduate students, Doctor Spencer, who's the</p> <p>2 post-doc research fellow, are not required</p> <p>3 to sign in and out or to document when they</p> <p>4 arrive or when they leave.</p> <p>5 Q And Chris Eiland was not required?</p> <p>6 A No.</p> <p>7 Q Have you told me all the complaints from</p> <p>8 Jamie Butler --</p> <p>9 A Well, again --</p> <p>10 Q -- that you remember?</p> <p>11 A Yeah. Right. I would ask that you visit</p> <p>12 with her, talk to her. She can share more</p> <p>13 of them with you.</p> <p>14 Q Well, I understand that, and I may do that.</p> <p>15 But what I'm asking you to share is the</p> <p>16 complaints that she gave to you.</p> <p>17 A Well, certainly those are the ones that I</p> <p>18 remember. It's quite probable that she came</p> <p>19 to me on other instances talking about this</p> <p>20 or that, that I don't remember, that she can</p> <p>21 document.</p> <p>22 Q Were these written complaints or verbal?</p> <p>23 A She has written and submitted to me a</p>	<p style="text-align: right;">[72]</p> <p>1 chronology of problems and incidents.</p> <p>2 Q But in August of 2003, did she submit</p> <p>3 written complaints to you --</p> <p>4 A No.</p> <p>5 Q -- for Chris Eiland?</p> <p>6 A No. Not at that time.</p> <p>7 Q When did she do a chronology?</p> <p>8 A Sometime during fall of 2003.</p> <p>9 Q Are you considered Jamie Butler's immediate</p> <p>10 supervisor?</p> <p>11 A Uh-huh (positive response).</p> <p>12 Q What about Tracy Land? What complaints did</p> <p>13 she make to you?</p> <p>14 A Her complaints are going to parallel and</p> <p>15 corroborate Jamie's because they're in the</p> <p>16 same laboratory. Her desk is 10 feet away.</p> <p>17 And so, the issues that face Jamie also face</p> <p>18 Tracy. I will tell you that she came to me</p> <p>19 and she told me of an incident that was</p> <p>20 quite bothersome to me about Doctor Eiland,</p> <p>21 who had accounted to her, that he had had a</p> <p>22 confrontation with a client when he was</p> <p>23 working for Parkview Animal Hospital, in</p>

[18] (Pages 69 to 72)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[73]	[74]
<p>1 which he was angered by the client for one 2 reason. She came to me specifically and 3 told me, "I think you ought to hear about 4 this. I'm very bothered by this." Chris 5 told me that he had subscribed to 6 pornographic materials and had them sent to 7 this individual whose name he got from the 8 medical record in the clinic. That's an 9 incident that she brought to me very 10 concerned, bothered by it. 11 Q When was that? 12 A Fall of 2003. Again, she can share with 13 you. That's an additional detail that 14 didn't involve Ms. Butler that Ms. Land 15 shared with me in particular. Another issue 16 that Jamie brought to my attention was a 17 student -- a young lady by the name of 18 Courtney, who was being harassed outside the 19 College of Veterinary Medicine by Doctor 20 Eiland after hours. She suggested that 21 Courtney come and talk to me. Courtney came 22 and talked to me and told me about 23 her encounters with Doctor Eiland late at</p>	<p>1 night at her apartment building. My 2 response to Courtney was "Courtney, you need 3 to contact campus security." I said, "I 4 can -- it's my responsibility to manage the 5 laboratory and what goes on in the 6 laboratory. It's not my responsibility to 7 police what goes on outside the laboratory." 8 Not intending to sound like I wasn't 9 concerned about Courtney, but I said, "At 10 this point, I would advise you to contact 11 campus security." And, again, Courtney can 12 share with you the details of that. 13 Q And when did Courtney come to you? 14 A After Jamie had suggested that she come to 15 me. And, again, that would have been the 16 fall of 2003. All these events took place 17 between mid-August and early December, 2003. 18 Those are the principal incidents that I 19 recall in which they came to me. And I'm 20 talking about Ms. Butler and Ms. Land. 21 Q Okay. Did Chris Eiland ever make a 22 complaint to you about Jamie Butler? 23 A I don't recall.</p>
[75]	[76]
<p>1 Q Do you remember whether or not he had a 2 discussion with you about a body builder in 3 a bikini picture on the wall in the lab? 4 A I don't remember that discussion. 5 Q Do you remember the picture? 6 A No, I don't, right now, to tell you the 7 truth. 8 Q You've never seen a picture of a body 9 builder in the lab? 10 MR. KNIGHT: He sees those all the 11 time. I mean, forget that. Just 12 kidding. 13 A I don't remember a specific picture. I'm 14 not denying it was there. I just don't 15 remember seeing it. I mean, there are 16 muppets all in a row if you go in there. 17 There are innumerable pictures and hangings 18 that people use for their personal space for 19 whatever reason. I would likely not have 20 said anything because part of what I told 21 you before, you know, my people work hard. 22 They do good work, and it's not likely that 23 I'm going to identify something like that.</p>	<p>1 Q All right. These complaints started in 2 August of 2003. Did you go to Chris Eiland 3 in August of 2003 -- 4 A I did. 5 Q -- with these complaints? 6 A I did. 7 Q Tell me about that. 8 A I told him that his confrontation with 9 students is going to have to stop. His 10 disruptions in the laboratory is going to 11 have to stop. Quit moving file cabinets, 12 which -- quit discarding people's private 13 belongings. Do your work and stay out of 14 the laboratory. That was my first meeting 15 with Chris. 16 Q Okay. Stay out of the laboratory? 17 A Well, stay out of their laboratory unless 18 your work required that you be in there. 19 Q Was there another lab where he could have 20 gone? I mean -- 21 A We have three laboratories on that hall. 22 Q Okay. Could he have gone to any of those 23 three as a graduate research assistant?</p>

[19] (Pages 73 to 76)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[77]	[78]
<p>1 A Yes. There's available space that he could 2 have worked at, yes. 3 Q Did you say Brandy? 4 A (Witness nodding in the affirmative.) 5 Q And I missed the last name. 6 A Brunson, B-R-U-N-S-O-N. 7 Q What was the complaint from Brandy Brunson? 8 THE WITNESS: Lane, should I tell that 9 whole story? 10 MR. KNIGHT: Yeah. I mean, this is 11 going to be produced. I think 12 you've requested this in her 13 request for -- in interrogatory. 14 You're entitled to ask it here, 15 obviously. I don't know if you 16 want to shortcut this discussion. 17 Q Let me ask you this: Were most of the 18 complaints from Jamie Butler? 19 A No. I had complaints from a number of 20 people. She probably had more complaints 21 that related to that particular period of 22 time between mid-August and mid-September 23 when a lot of these initial incidents were</p>	<p>1 taking place. 2 But, no, there were a number of 3 persons who visited my office with what they 4 would characterize as complaints about 5 behavior. 6 Q Were all of the complaints similar in -- 7 I've heard confrontational and argumentative 8 and wanted to be called "Doctor." 9 A I mean, I'll be happy to detail some of 10 them. Some of them are certainly different 11 than that. 12 THE WITNESS: Do you want me to go 13 ahead and do that, then? 14 MR. KNIGHT: Yeah. I mean, Kay, if 15 you -- 16 Q Well, let me ask you this: What did Peter 17 Christopherson tell you? 18 A Peter Christopherson told me that he found 19 Chris Eiland rummaging through Brandy 20 Brunson's desk looking for notes for a class 21 that he apparently had failed to attend or 22 that she had asked him for. And he came to 23 me and said your graduate student should not</p>
[79]	[80]
<p>1 be rummaging through other persons's desks. 2 That's what he said to me. And, of course, 3 to put that in perspective, I would have to 4 tell you the story of Brandy Brunson, but if 5 you want to wait and read it in detail, 6 certainly that's fine. 7 Q Did Brandy and Chris Eiland have a class 8 together? 9 A They did. 10 Q Who is Linda King? 11 A She's our administrative assistant. 12 Q In the lab? 13 A No. She's in the front office. 14 Q Okay. 15 A She's second in command to the department 16 head. 17 Q And who's the department head? 18 A At that time, it was Lauren Wolfe. 19 Q Who is it now? 20 A Calvin Johnson. 21 Q Who is Miranda Webb? 22 A Miranda Webb is the clerical worker two, I 23 think, they call them. She's a secretary.</p>	<p>1 I'm not so sure that is her title, but she's 2 one of two secretaries in the downstairs 3 office in pathobiology, located right 4 outside the department head's office. 5 Q Lori Nelms? 6 A Lori Nelms was a graduate students of Josep 7 Janicki at the time that all this was going 8 on. 9 Q Is she a student now? 10 A She's a professional student, veterinary 11 student, yes. 12 Q Stuart Price? 13 A He's a faculty member in the College of 14 Veterinary Medicine. 15 Q Kelly Joiner? 16 A She's a graduate student and resident in the 17 Department of Pathobiology. 18 Q Brandy Brunson? 19 A She's also a graduate student and a resident 20 in the Department of Pathobiology. 21 Q Tracy Land? 22 A She's another of my research assistants that 23 occupied the desk in close proximity to</p>

[20] (Pages 77 to 80)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[81]	[82]
<p>1 Jamie's.</p> <p>2 Q All right. After you had your initial talk</p> <p>3 with Doctor Eiland in 2003, August of 2003,</p> <p>4 when was the next time you talked with him</p> <p>5 about complaints?</p> <p>6 A Perhaps three weeks later, and this related</p> <p>7 to the Brandy Brunson, Pete Christopherson</p> <p>8 incident and the course that they were</p> <p>9 taking in advanced endocrinology.</p> <p>10 Q And what did Doctor Eiland tell you?</p> <p>11 A Well, it was more what I told him. I don't</p> <p>12 recall the details of how he responded. I</p> <p>13 think he denied certain of the accusations</p> <p>14 that they had made.</p> <p>15 My response or my instructions</p> <p>16 with him was to go to class. He wasn't</p> <p>17 going to class. Go to class and take your</p> <p>18 own notes, stay out of other people's desks,</p> <p>19 don't confront those people in their work</p> <p>20 places, and ask them why they didn't give</p> <p>21 you the notes to the class. Among, perhaps,</p> <p>22 a couple of other things, but, again, it was</p> <p>23 just another sit down and stop doing this.</p>	<p>1 This is creating too many problems here at</p> <p>2 the College of Veterinary Medicine. It's</p> <p>3 creating an environment that's not conducive</p> <p>4 to teaching research, what we do on a daily</p> <p>5 basis. So, just stop doing it. And his</p> <p>6 response, as I recall -- Doctor Eiland's</p> <p>7 response -- was that, these are accusations,</p> <p>8 it was their opinions, and I can't believe</p> <p>9 you believe this, or something to that</p> <p>10 extent.</p> <p>11 Q All right. Did you have an occasion to talk</p> <p>12 with Doctor Eiland after this discussion</p> <p>13 about going through the desk regarding</p> <p>14 complaints?</p> <p>15 A Yes.</p> <p>16 Q Okay. When was the next time?</p> <p>17 A The next time was after Kelly Joiner came to</p> <p>18 me and said that Doctor Eiland confronted me</p> <p>19 on the front steps. He frightened me. He</p> <p>20 wanted to ask me about the incident of going</p> <p>21 through Brandy's desk. As I recall, she</p> <p>22 said, "I don't want to talk to you. If you</p> <p>23 want to talk to me, let's go talk to Doctor</p>
[83]	[84]
<p>1 Wolfe right now," who was department head at</p> <p>2 the time. And I simply told Kelly that</p> <p>3 Chris and I have spoke about this incident,</p> <p>4 and I'm hopeful that that behavior will</p> <p>5 cease, that he won't do it again.</p> <p>6 Q Did Doctor Eiland deny that he had gone</p> <p>7 through Kelly's -- Brandy's desk?</p> <p>8 A He may have denied that to me, but Doctor</p> <p>9 Christopherson was a witness to it. And to</p> <p>10 me, it seemed unlikely that what Doctor</p> <p>11 Eiland was telling me was true when Doctor</p> <p>12 Christopherson was there and saw it happen</p> <p>13 and corroborated what others had said had</p> <p>14 happened.</p> <p>15 Q Did Doctor Christopherson ever tell you that</p> <p>16 the women in the lab were trying to get rid</p> <p>17 of Doctor Eiland?</p> <p>18 A No. I don't remember hearing that.</p> <p>19 Q Did you hear that from anybody?</p> <p>20 A No, I didn't hear that.</p> <p>21 Q Did you have discussions with anyone else</p> <p>22 about these complaints?</p> <p>23 A Yes. I talked with Brandy Brunson. Brandy</p>	<p>1 came to me -- And this was another incident</p> <p>2 in which they're in advanced endocrinology,</p> <p>3 and Doctor Eiland had apparently fallen</p> <p>4 asleep in class and remained asleep after</p> <p>5 the class had left and was sitting there.</p> <p>6 Doctor Sartin had come to me and said, "Are</p> <p>7 you aware of Doctor Eiland not coming to</p> <p>8 class and sleeping through class?" And had</p> <p>9 mentioned to me that he had continued to</p> <p>10 sleep well after the class was over and</p> <p>11 actually had brought other faculty members</p> <p>12 to the room and said, "Look at that." And</p> <p>13 we've been out of there for 15 minutes.</p> <p>14 So, Brandy shared that with me,</p> <p>15 and then she proceeded to share the fact</p> <p>16 that he had asked for notes.</p> <p>17 Q Did you discuss complaints -- not</p> <p>18 necessarily -- I'm not talking about the</p> <p>19 people making complaints. But after the</p> <p>20 complaints were made, did you discuss these</p> <p>21 complaints with anyone else other than Chris</p> <p>22 Eiland?</p> <p>23 A Not that I recall.</p>

[21] (Pages 81 to 84)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[85]	[86]
<p>1 Q Okay. Is there a reason why you didn't?</p> <p>2 A Well, it's my responsibility as his adviser</p> <p>3 to -- to restore any sort of order or to</p> <p>4 request that this behavior stops. That's</p> <p>5 the role of the major professor. That's</p> <p>6 what I implied when I said it's not just</p> <p>7 academics. It's other aspects of program</p> <p>8 and training too. It's my responsibility.</p> <p>9 Q What was the last complaint that you heard</p> <p>10 against Doctor Eiland?</p> <p>11 A Well, there were several more. The last one</p> <p>12 that I heard was from Stuart Price, who</p> <p>13 approached me in the hallway and said</p> <p>14 that --</p> <p>15 THE WITNESS: Should I go ahead and</p> <p>16 discuss this?</p> <p>17 MR. KNIGHT: Yeah. Just go into it.</p> <p>18 A He approach me in the hall, and he said, "Is</p> <p>19 Chris okay?" And I said, "Why do you say</p> <p>20 that." He said, "Well, I was leaving work</p> <p>21 at 11:30 or 12:00 on a Friday night or</p> <p>22 Saturday night." I can't remember exactly</p> <p>23 what night it was. And he said, "Chris</p>	<p>1 jumped out of the bushes and said that he</p> <p>2 was picking plants, and he was going to take</p> <p>3 them home and grow them and seemed a little</p> <p>4 rattled and surprised." And he said, "I</p> <p>5 just thought that was a bit strange for</p> <p>6 somebody in the middle of the night to be</p> <p>7 out picking plants, and what's going on?"</p> <p>8 And my response to Stuart was, "Stuart, I</p> <p>9 have no idea what Doctor Eiland was doing."</p> <p>10 Q Did you talk with Doctor Eiland about that?</p> <p>11 A I don't believe I ever mentioned that</p> <p>12 incident. I may have. I may have said that</p> <p>13 Doctor Price -- but I don't recall.</p> <p>14 Q And who is Stuart Price?</p> <p>15 A He's a professor, associate professor, in</p> <p>16 the Department of Pathobiology.</p> <p>17 Q Did you have any discussion with Doctor</p> <p>18 Wolfe regarding Doctor Eiland and these</p> <p>19 complaints?</p> <p>20 A I did.</p> <p>21 Q Tell me about that.</p> <p>22 A Well, after and -- and there were several</p> <p>23 others that you've not asked me about.</p>
[87]	[88]
<p>1 He called me in and he said that,</p> <p>2 "Doctor Blagburn, seems as though issues</p> <p>3 related to Doctor Eiland have involved</p> <p>4 others in the department besides you and</p> <p>5 your people, and I can't have that and won't</p> <p>6 have that." And I said, "Understood." And</p> <p>7 he suggested to me that, "Well, the best</p> <p>8 thing for you to do is talk to Doctor</p> <p>9 Wolfe." But he had suggested to me that,</p> <p>10 "This is not working, that there are too</p> <p>11 many issues of people inside the laboratory,</p> <p>12 outside the laboratory, in the department</p> <p>13 are fearful, unsure. And you have to do</p> <p>14 something about that."</p> <p>15 Q And what did you do?</p> <p>16 A Well, ultimately -- and there are actually a</p> <p>17 couple of other incidents that occurred</p> <p>18 after that.</p> <p>19 THE WITNESS: Should I share them?</p> <p>20 MR. KNIGHT: Yeah.</p> <p>21 Q Well, I haven't asked you that. I wanted to</p> <p>22 know -- Well, first of all, when did you</p> <p>23 have this conversation with Doctor Wolfe?</p>	<p>1 A Probably November of 2003.</p> <p>2 Q All right. And Doctor Wolfe said, "You have</p> <p>3 to do something about that." And my</p> <p>4 question was: What did you do?</p> <p>5 A Well, I visited with Chris again --</p> <p>6 Q Okay.</p> <p>7 A -- and told him that these problems,</p> <p>8 incidents, have to stop. I'm getting</p> <p>9 complaints outside the laboratory. Now,</p> <p>10 it's not just related to persons in and</p> <p>11 around the parasitology division, the</p> <p>12 parasitology laboratory. Now, it relates to</p> <p>13 anatomical pathologists, microbiologists</p> <p>14 confronting me in the hallway, or graduate</p> <p>15 students in physiology upstairs coming to me</p> <p>16 and relating incidents that have happened.</p> <p>17 This has got to stop. Concentrate on your</p> <p>18 program. Forget about everyone else, and</p> <p>19 get on with your program.</p> <p>20 Q Now, when you said to Chris Eiland, "This</p> <p>21 has to stop," did you specifically lay out</p> <p>22 all of the complaints?</p> <p>23 A Well, each time that I talked with him,</p>

[22] (Pages 85 to 88)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[89]	[90]
<p>1 yeah, I summarized what the persons had told 2 me and what I knew. 3 Q And what was his response? 4 A In some instances, denial; in some 5 instances, just sort of shrugged them off as 6 being insignificant and not of any magnitude 7 to worry about. Never, as I recall, an 8 admission of doing them. 9 Q What did you think was going on? 10 A Well, I didn't know. I didn't know. I 11 remember I asked Chris at one time, I said, 12 "Is there something I can help you with? 13 Are you having problems that I'm not aware 14 of?" That's all I said. I had no idea. As 15 I had mentioned to you, in prior years, I 16 apparently wasn't privy to all of these 17 little incidents that were happening. Jamie 18 later told me, as I mentioned to you, that 19 they happened periodically, but were just 20 not brought to my attention. 21 Q Does it seem strange to you that someone 22 with those traits or behaviors that you 23 described would be elected president of the</p>	<p>1 student body? 2 A I can only comment on what was going on in 3 our laboratory and what was happening around 4 me and based on the persons who came to see 5 me. What other interactions people have 6 with Chris or what led to his election or 7 what relationships he had -- like I said, 8 I'm not privy to those. 9 Q Do you know Elizabeth Landreth? 10 A I do. Uh-huh (positive response). 11 Q Who is that? 12 A The reason I hesitate is because I know her 13 as Beth. 14 Q Oh, Beth Landreth. 15 A Beth works in the histopathology laboratory 16 in the department. 17 Q Have you ever had a discussion with her 18 about Chris Eiland? 19 A I have. 20 Q Tell me about that. 21 A On occasion, she would come to me, and she 22 would say, "Is Chris all right? Is 23 everything okay?" And my response was,</p>
[91]	[92]
<p>1 "Well, we're having some incidents in the 2 laboratory." But that's the sum total of 3 what I said to her. Now, keep in mind that 4 Beth can talk to and probably does talk to 5 any number of people. 6 So, I don't remember sharing any 7 details with what -- with what others had 8 told me, but others could have. 9 Q Was there ultimately a resolution to the 10 complaints brought against Chris Eiland? 11 A With do you mean by "a resolution"? 12 Q Did the complaints ever stop? 13 A Well, they stopped when I resigned as his 14 major professor. 15 Q And when was that? 16 A It was December 8th, I think, thereabouts. 17 Q Do you recall a meeting on December 3rd with 18 Chris Eiland? 19 A I do. 20 Q What happened at that meeting? 21 A Well, I sat down with Chris. I called him 22 at home, and I said, "Chris, come in. I 23 want to talk to you." He said, "What's up?</p>	<p>1 Why do you want to talk to me?" I said, 2 "Just come in. Just come in and visit with 3 me." 4 I then asked Doctor Hendrix, who's 5 the other parasitologist, to join us simply 6 because I wanted him to be there and witness 7 the discussion. And I told Chris that I 8 think it would be in his best interest and 9 in the best interest of our program if he 10 found another major professor, if he found 11 another program because, based on what has 12 happened, it would be in my opinion 13 impossible for him to work in the laboratory 14 in the environment after what has transpired 15 has transpired. And I told him, I said, "I 16 will continue your stipend for two months 17 while you look for another major professor." 18 And I got up and left. And that was the -- 19 Go ahead. 20 Q Did Doctor Hendrix have anything to say at 21 this meeting? 22 A He -- He didn't have much to say when I was 23 sitting there. Now, he may have said some</p>

[23] (Pages 89 to 92)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[93]</p> <p>1 things that I don't recall, but I don't</p> <p>2 remember there being any substance to them</p> <p>3 or contributing to the conversation as such.</p> <p>4 Now, he and Doctor Eiland stayed in the room</p> <p>5 and talked for a good while after I left.</p> <p>6 Q Have you ever resigned as major professor</p> <p>7 for a student prior to Chris Eiland?</p> <p>8 A I never have.</p> <p>9 Q What course of action did you expect to take</p> <p>10 place after this?</p> <p>11 A Well, first of all, it's not at all uncommon</p> <p>12 for students to relocate in different</p> <p>13 laboratories to different mentors.</p> <p>14 Sometimes it's the fault of the mentor.</p> <p>15 Sometimes it's the fault of the candidate.</p> <p>16 Sometimes it's the fault of both. So, it's</p> <p>17 not at all unusual. It happens all the time</p> <p>18 in the college and the university.</p> <p>19 And I presumed -- and it was my</p> <p>20 intention -- that Chris, since he was still</p> <p>21 actively enrolled in the graduate school,</p> <p>22 that he would seek mentorship elsewhere in a</p> <p>23 different program. I suggested that he talk</p>	<p style="text-align: right;">[94]</p> <p>1 to Doctor Dillon, talk to Doctor Sundermann.</p> <p>2 There are perhaps other folks in the</p> <p>3 university. And I said that I would be</p> <p>4 happy to support him.</p> <p>5 Q Would any of those other professors have</p> <p>6 expertise or knowledge in the area of</p> <p>7 parasitology?</p> <p>8 A Doctor Sundermann is a parasitologist.</p> <p>9 Doctor Dillon is an expert in feline</p> <p>10 heartworm infection and disease.</p> <p>11 Q To your knowledge, did those conversations</p> <p>12 take place?</p> <p>13 A I don't know. I don't know.</p> <p>14 Q Did you ever talk with Doctor Dillon about</p> <p>15 Doctor Eiland?</p> <p>16 A I believe I said to Doctor Dillon that if</p> <p>17 Doctor Eiland -- Doctor Eiland may approach</p> <p>18 you to be his major professor. I would</p> <p>19 encourage you, if you have the resources, to</p> <p>20 support Chris, or something to that.</p> <p>21 Q What about Doctor Hendrix? Did you suggest</p> <p>22 that maybe Doctor Hendrix become his major</p> <p>23 professor?</p>
<p style="text-align: right;">[95]</p> <p>1 A I didn't simply because -- I don't recall</p> <p>2 that I did. I don't think I would have</p> <p>3 because Doctor Hendrix doesn't have a</p> <p>4 significant research program. Doctor</p> <p>5 Hendrix is involved more in teaching and in</p> <p>6 outreach efforts. But he is a</p> <p>7 parasitologist, and I'm not saying by that</p> <p>8 that he wouldn't be qualified to do it. But</p> <p>9 historically, he hasn't done it. He has</p> <p>10 never had a graduate student. That doesn't</p> <p>11 mean that he couldn't. He couldn't have</p> <p>12 directed Doctor Eiland at a PhD level</p> <p>13 because he's not achieved level two graduate</p> <p>14 faculty status. He only has level one,</p> <p>15 which would allow him only to direct master</p> <p>16 students. But certainly, he could have</p> <p>17 applied for level two, and it would have</p> <p>18 been a possibility. But I don't remember</p> <p>19 suggesting that to Doctor Hendrix.</p> <p>20 Q After the December 3rd meeting, you left,</p> <p>21 but you said you didn't resign until</p> <p>22 December 8th?</p> <p>23 A Well, the date of my letter to Doctor</p>	<p style="text-align: right;">[96]</p> <p>1 Janicki was December 8th. But it was</p> <p>2 clearly communicated to Doctor Eiland that I</p> <p>3 was resigning on December 3rd, or whenever</p> <p>4 that meeting was.</p> <p>5 Q Did Doctor Eiland get a copy of your</p> <p>6 December 8th letter?</p> <p>7 A I sent it to Doctor Janicki, who is the</p> <p>8 program chief. He is the associate Dean for</p> <p>9 research and graduate studies. If he elects</p> <p>10 to share my letter with Doctor Eiland,</p> <p>11 that's fine. No, I did not. I didn't</p> <p>12 appose him sharing that letter with him.</p> <p>13 Q After December 8th, when was your next</p> <p>14 conversation with Chris Eiland?</p> <p>15 A Well, he came in a couple times. I don't</p> <p>16 remember the exact dates. But the first, he</p> <p>17 asked me if I would write him a</p> <p>18 recommendation to law school. And it might</p> <p>19 have been another -- perhaps graduate school</p> <p>20 at UAB. I can't remember. But I said to</p> <p>21 him that I would be happy to. My intention</p> <p>22 was never to derogate Doctor Eiland and to</p> <p>23 support him in any way that I could no</p>

[24] (Pages 93 to 96)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[97]</p> <p>1 matter what he wanted to do. And I told him</p> <p>2 I would be happy to do that.</p> <p>3 Q Including getting him another major</p> <p>4 professor?</p> <p>5 A Well, it it's not my responsibility to get</p> <p>6 him another major professor. I resigned. I</p> <p>7 certainly would be willing to support him in</p> <p>8 the form of a recommendation to anyone. But</p> <p>9 it's not my responsibility to find him a</p> <p>10 major professor.</p> <p>11 Q Who is Gregory Skipper?</p> <p>12 A I don't know that name.</p> <p>13 Q Did you tell Doctor Eiland that he would</p> <p>14 make a great parasitologist, just not at</p> <p>15 Auburn University?</p> <p>16 A I don't remember that. It doesn't sound</p> <p>17 like something I would say. I don't deny</p> <p>18 saying it, but I don't remember saying it.</p> <p>19 I just repeat it. It doesn't sound like</p> <p>20 something I would say to a student.</p> <p>21 Q Did you also tell Doctor Eiland to clean out</p> <p>22 his office and turn in his keys for the lab?</p> <p>23 MR. KNIGHT: Object to the form. Go</p>	<p style="text-align: right;">[98]</p> <p>1 ahead and answer.</p> <p>2 Q You can still answer.</p> <p>3 A The -- It's customary for students who are</p> <p>4 no longer working in your laboratory to turn</p> <p>5 in their keys. It's a commonplace request.</p> <p>6 Q Did you receive a call, telephone call, from</p> <p>7 a Doctor Mark Janderlich?</p> <p>8 A I did.</p> <p>9 Q Do you remember about when that telephone</p> <p>10 conversation took place?</p> <p>11 A Maybe -- You know, I really can't tell you.</p> <p>12 It was while I was entering department head.</p> <p>13 So, it probably would have been either</p> <p>14 summer of 2004 or summer of 2005. I don't</p> <p>15 remember exactly when.</p> <p>16 Q What was the purpose of the call?</p> <p>17 A Doctor Janderlich is a former student of</p> <p>18 mine. And he said, "I'm thinking of hiring</p> <p>19 Chris Eiland. What can you tell me about</p> <p>20 him?" I said, "Well, Mark, I can't comment</p> <p>21 on Chris's clinical skills. I'll tell you</p> <p>22 that he did a fine job for his Master's</p> <p>23 thesis. We had some personnel problems in</p>
<p style="text-align: right;">[99]</p> <p>1 the laboratory, difficulties, persons</p> <p>2 getting along with persons. But I</p> <p>3 would encourage you to give Doctor Eiland a</p> <p>4 chance." Those are my exact words, and</p> <p>5 Doctor Janderlich could corroborate that.</p> <p>6 Q Have you ever discussed Doctor Eiland with</p> <p>7 Doctor Drummonds?</p> <p>8 A I never have. I don't -- Is she at the</p> <p>9 Rainbow City Pet Clinic? Is that where she</p> <p>10 is?</p> <p>11 Q I think so.</p> <p>12 A I saw Doctor Drummond on a retreat at -- in</p> <p>13 Puerto Rico, and she told me that Doctor</p> <p>14 Eiland was working for her. And all I</p> <p>15 remember saying is, "Oh, tell Chris I said</p> <p>16 hello." That's all I said.</p> <p>17 Q Are there any rules covering a major</p> <p>18 professor resigning from that position?</p> <p>19 A Not that I'm aware of.</p> <p>20 Q You're not aware of any rule that says that</p> <p>21 Doctor Eiland has a right to receive written</p> <p>22 notification of your decision?</p> <p>23 A Well, I am now. And I am aware that there</p>	<p style="text-align: right;">[100]</p> <p>1 are posted guidelines, or whatever you call</p> <p>2 them, whatever they call them there on the</p> <p>3 graduate school's web site. Frankly, I have</p> <p>4 not seen that document. I have not seen</p> <p>5 that. I have had no cause to look at it</p> <p>6 over the years. And when it was shown to</p> <p>7 me, that was the first time I saw it.</p> <p>8 Q Was Doctor Eiland progressing toward his</p> <p>9 degree according to plan other than these</p> <p>10 problems?</p> <p>11 A Which degree?</p> <p>12 Q The PhD.</p> <p>13 A Well, it was very early. I mean, his course</p> <p>14 work only began August 15th. And so,</p> <p>15 really, no progress had been made to speak</p> <p>16 of. So, to qualify his progression, I</p> <p>17 think, would be premature at that point.</p> <p>18 Q Did you ever have discussions with anyone</p> <p>19 about his progress?</p> <p>20 A I don't recall. Perhaps I don't understand</p> <p>21 the question. Discussion with whom in</p> <p>22 particular and about what?</p> <p>23 Q Anybody in particular about his progress in</p>

[25] (Pages 97 to 100)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[101]	[102]
<p>1 the PhD program.</p> <p>2 A Not that I'm aware of.</p> <p>3 Q If Doctor Eiland had been accepted to</p> <p>4 another department, would he have been able</p> <p>5 to continue in his main field of interest,</p> <p>6 which was parasitology?</p> <p>7 A I believe so. I believe that there are</p> <p>8 opportunities at Auburn University. There</p> <p>9 are numerous examples of -- I have a student</p> <p>10 that I was on her committee, and she was in</p> <p>11 soils and agronomy, but she's working on</p> <p>12 parasites. And so there's a lot of</p> <p>13 interaction across campus. And as I</p> <p>14 mentioned, there's Doctor Sundermann. You</p> <p>15 know, there's Doctor Dillon. There are</p> <p>16 clinicians who certainly -- internists who</p> <p>17 have skills in his area. My opinion is</p> <p>18 that, yes, there's opportunity.</p> <p>19 Q Did Doctor Wolfe tell you to either get rid</p> <p>20 of Doctor Eiland or he would?</p> <p>21 A I don't know that those are his exact words,</p> <p>22 but it was very clear to me that that's what</p> <p>23 he meant. Now, I don't -- I'd prefer not to</p>	<p>1 view it as "get rid of Doctor Eiland." His</p> <p>2 words -- And Doctor Wolfe is not the kind of</p> <p>3 individual that would have used that kind of</p> <p>4 language. He would have more -- he would</p> <p>5 more than likely have said something like,</p> <p>6 "Doctor Blagburn, please solve this problem.</p> <p>7 And this is obviously not going to work in</p> <p>8 the department. So, you as the adviser are</p> <p>9 the person to do something about it." And</p> <p>10 my decision, then, was to resign.</p> <p>11 Q Did you go back and have a discussion with</p> <p>12 Doctor Wolfe after you made that decision?</p> <p>13 A I don't recall that I did, other than</p> <p>14 routing my letter through him would have</p> <p>15 been customary for me since a source of</p> <p>16 support was in our department to route my</p> <p>17 resignation letter to the department head.</p> <p>18 Q Did you try to get Doctor Eiland's</p> <p>19 statistics incomplete grade changed to a</p> <p>20 withdrawal?</p> <p>21 A I did make a couple of telephone calls to</p> <p>22 Professor Billor -- is that it -- never</p> <p>23 reached her. I got her voice mail. She</p>
[103]	[104]
<p>1 called me back a couple of times, and we</p> <p>2 never spoke. And then it occurred to me,</p> <p>3 probably after our fourth attempt to talk,</p> <p>4 that perhaps it was inappropriate for one</p> <p>5 faculty member to try to encourage or</p> <p>6 discuss another faculty member's grade</p> <p>7 change policies. So, I made no attempt</p> <p>8 after that.</p> <p>9 Q Who is the point of contact for all</p> <p>10 departments in the biomedical sciences</p> <p>11 program?</p> <p>12 A At that time it was Joseph Janicki. His</p> <p>13 title was associate dean of research and</p> <p>14 graduate studies.</p> <p>15 Q Was Doctor Eiland dismissed from the</p> <p>16 Department of Pathobiology?</p> <p>17 A No. We have no authority to dismiss anyone.</p> <p>18 His support was in my laboratory. When I</p> <p>19 resigned, of course, it's not customary to</p> <p>20 continue to support a graduate student with</p> <p>21 your resources if that graduate student then</p> <p>22 moves to a different laboratory. It happens</p> <p>23 all the time. They simply procure support</p>	<p>1 from the laboratory to which they relocate.</p> <p>2 So, the program of biomedical</p> <p>3 sciences is a college-wide program. The</p> <p>4 only affiliation with pathobiology is that</p> <p>5 that's my academic home, and that's where</p> <p>6 the sources of funds were coming. But to</p> <p>7 say that anyone was dismissed from the</p> <p>8 department of pathobiology has no meaning to</p> <p>9 me.</p> <p>10 Q What's the process if Chris Eiland were</p> <p>11 to -- Let's say, if Doctor Dillon became his</p> <p>12 major professor. What steps would Doctor</p> <p>13 Eiland have to had -- would have had to</p> <p>14 take?</p> <p>15 A Simply fill out a new plan of study, perhaps</p> <p>16 with a memo, to Doctor Janicki through the</p> <p>17 graduate school. Perhaps routing it through</p> <p>18 me so that I concur, corroborate, stating</p> <p>19 that it could depend on the situation. It</p> <p>20 might be irreconcilable differences in some</p> <p>21 cases. It might be ineffective guidance on</p> <p>22 the part of the mentor. It might be</p> <p>23 behavior problems on the part of the</p>

[26] (Pages 101 to 104)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[105]</p> <p>1 students, whatever. It would simply be a</p> <p>2 letter and a change in that plan of study</p> <p>3 naming a new professor as a major professor.</p> <p>4 And then that would become a matter of</p> <p>5 record, and it would go on file in Janicki's</p> <p>6 office and with the graduate school.</p> <p>7 Q Would he have had to reapply to the graduate</p> <p>8 program?</p> <p>9 A He remained an active graduate student in</p> <p>10 good standing, and my resignation had</p> <p>11 absolutely no impact or effect on his status</p> <p>12 as a graduate student, either in the program</p> <p>13 in biomedical sciences or at Auburn</p> <p>14 University.</p> <p>15 Q Did you contact anyone at the Alabama</p> <p>16 Wellness Committee in December of 2003?</p> <p>17 A No, ma'am, I did not.</p> <p>18 Q Do you know anyone who did?</p> <p>19 A I do.</p> <p>20 Q Who was that?</p> <p>21 A It was Doctor Charles Hendrix.</p> <p>22 Q Do you have any knowledge of Doctor Eiland</p> <p>23 ever being diagnosed with excessive</p>	<p style="text-align: right;">[106]</p> <p>1 compulsive disorder?</p> <p>2 A I do not.</p> <p>3 Q Or bipolar?</p> <p>4 A I do not.</p> <p>5 Q Do you know whether or not Doctor Eiland was</p> <p>6 on drugs?</p> <p>7 A I do not. Never asked him that. He may --</p> <p>8 Chris may have shared with me at one time or</p> <p>9 another that some of the medications that he</p> <p>10 was taking made him sleepy when he was</p> <p>11 explaining to me why he had fallen asleep in</p> <p>12 that class. But I didn't ask him what those</p> <p>13 medications were and didn't pursue it.</p> <p>14 Q Who covers your lectures when you're out of</p> <p>15 town?</p> <p>16 A Doctor Hendrix does some. Doctor Jenny</p> <p>17 Spencer has done some. Oftentimes, I will</p> <p>18 try to switch with another faculty member in</p> <p>19 the college if I'm going to be gone on</p> <p>20 Wednesday. And he teaches on Tuesday and</p> <p>21 Wednesday; I would do his lecture on</p> <p>22 Tuesday, and then he or she would do theirs</p> <p>23 and mine on Wednesday. So, there are a</p>
<p style="text-align: right;">[107]</p> <p>1 number of ways that we do it.</p> <p>2 Q Did Doctor Janicki say that Doctor Eiland</p> <p>3 was no longer welcome in the Department of</p> <p>4 Pathobiology?</p> <p>5 A He didn't say that to me.</p> <p>6 Q Did Doctor McFarland contact you about a</p> <p>7 letter he received in July of 2004 from</p> <p>8 Doctor Eiland?</p> <p>9 A He did not. I did not see that letter.</p> <p>10 (At which time, a recess was</p> <p>11 taken.)</p> <p>12 Q Let me show you what's been marked as</p> <p>13 Plaintiff's Exhibit Two.</p> <p>14 (At which time, the</p> <p>15 referred-to document was</p> <p>16 marked as Plaintiff's Exhibit</p> <p>17 No. 2 by the Reporter.)</p> <p>18 Q This is a copy -- Actually, I think this is</p> <p>19 from the web site, Auburn University web</p> <p>20 site, evaluating the academic progress of</p> <p>21 graduate students. This document actually</p> <p>22 relates to the responsibilities of an</p> <p>23 advisory committee. It's my understanding</p>	<p style="text-align: right;">[108]</p> <p>1 that he never had an advisory committee; is</p> <p>2 that true?</p> <p>3 A For his PhD.</p> <p>4 Q For the PhD program.</p> <p>5 A Right.</p> <p>6 Q Had you talked with anybody about being on</p> <p>7 his advisory committee? I know it wasn't</p> <p>8 formal, but had you begun discussions?</p> <p>9 A You know, I really don't recall. I could</p> <p>10 very easily have mentioned it to Doctor</p> <p>11 Dillon since Doctor Dillon would be an</p> <p>12 obvious choice, but I really don't remember</p> <p>13 to what extent I had -- it was just too</p> <p>14 early. You know, we really weren't sure</p> <p>15 what we were going to do yet. And the</p> <p>16 makeup committee is so important, I really</p> <p>17 wanted to get a better handle on what he was</p> <p>18 going to do.</p> <p>19 So, I don't recall, no, of having</p> <p>20 discussed it with any seriousness that would</p> <p>21 imply that they might presume that I was</p> <p>22 interested in them being on the committee.</p> <p>23 Q Okay. Let me show you Plaintiff's Exhibit</p>

[27] (Pages 105 to 108)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[109]</p> <p>1 Three.</p> <p>2 (At which time, the</p> <p>3 referred-to document was</p> <p>4 marked as Plaintiff's Exhibit</p> <p>5 No. 3 by the Reporter.)</p> <p>6 Q This is a bank statement showing the last</p> <p>7 payment of money paid to Doctor Eiland for</p> <p>8 his lab graduate research assistant work.</p> <p>9 How much did he make? Do you remember what</p> <p>10 he was earning as a graduate research</p> <p>11 assistant?</p> <p>12 A No. But, again, Linda King could answer</p> <p>13 that. I don't know what deductions -- I</p> <p>14 could say that you could probably calculate</p> <p>15 this. But I don't know what -- I'm not</p> <p>16 privy to what his personal finances and what</p> <p>17 he has deducted and what goes on. But I</p> <p>18 really don't remember, but Mrs. King</p> <p>19 could -- she could come up with that figure.</p> <p>20 She certainly would have it. She's the</p> <p>21 administrative assistant that I had</p> <p>22 mentioned to you.</p> <p>23 Q Let me show you what's been marked as</p>	<p style="text-align: right;">[110]</p> <p>1 Plaintiff's Exhibit 17.</p> <p>2 (At which time, the</p> <p>3 referred-to document was</p> <p>4 marked as Plaintiff's Exhibit</p> <p>5 No. 17 by the Reporter.)</p> <p>6 Q This is a note that accompanied the last</p> <p>7 statement that was mailed, and it appears to</p> <p>8 be a note from you. Do you remember writing</p> <p>9 this?</p> <p>10 A Yeah. It probably got delivered to his</p> <p>11 mailbox, and then I just forwarded it to him</p> <p>12 from his mailbox.</p> <p>13 Q Okay. Let me show you Plaintiff's Exhibit</p> <p>14 Four.</p> <p>15 (At which time, the</p> <p>16 referred-to document was</p> <p>17 marked as Plaintiff's Exhibit</p> <p>18 No. 4 by the Reporter.)</p> <p>19 Q This appears to be a statement from Auburn</p> <p>20 University, billing statement, for spring</p> <p>21 2004.</p> <p>22 A Uh-huh (positive response).</p> <p>23 Q Do you know what the two hundred (\$200)</p>
<p style="text-align: right;">[111]</p> <p>1 dollars would be for?</p> <p>2 A I have no idea.</p> <p>3 Q Who sends these statements out?</p> <p>4 A I really don't know. You know, it's -- I'm</p> <p>5 not involved in the budget office or any of</p> <p>6 the activities that go on over there, so I</p> <p>7 wouldn't have any idea.</p> <p>8 Q Let me show you what's been marked as</p> <p>9 Exhibit Five.</p> <p>10 (At which time, the</p> <p>11 referred-to document was</p> <p>12 marked as Plaintiff's Exhibit</p> <p>13 No. 5 by the Reporter.)</p> <p>14 Q And I think we've already gone over this. I</p> <p>15 just wanted to put this in the record. As</p> <p>16 well as number seven, "Guidelines for</p> <p>17 Graduate Tuition Fellowships."</p> <p>18 (At which time, the</p> <p>19 referred-to document was</p> <p>20 marked as Plaintiff's Exhibit</p> <p>21 No. 7 by the Reporter.)</p> <p>22 A Well, I would remind you that many graduate</p> <p>23 programs are department based. But the</p>	<p style="text-align: right;">[112]</p> <p>1 graduate program at the College of</p> <p>2 Veterinary Medicine is college wide and not</p> <p>3 department based. So, references to</p> <p>4 specific procedures for department-based</p> <p>5 programs may or may not apply to the program</p> <p>6 at the college. Does that make sense?</p> <p>7 Q It does. All right. Let me show you what's</p> <p>8 been premarked as Exhibit Eight, "Code of</p> <p>9 Student Discipline," and I think we have</p> <p>10 already talked about that too.</p> <p>11 (At which time, the</p> <p>12 referred-to document was</p> <p>13 marked as Plaintiff's Exhibit</p> <p>14 No. 8 by the Reporter.)</p> <p>15 Q Do you recognize what's been marked as</p> <p>16 Plaintiff's Exhibit Nine?</p> <p>17 (At which time, the</p> <p>18 referred-to document was</p> <p>19 marked as Plaintiff's Exhibit</p> <p>20 No. 9 by the Reporter.)</p> <p>21 A Uh-huh (positive response). This is a cover</p> <p>22 form that accompanies each thesis.</p> <p>23 Q And what does it mean?</p>

[28] (Pages 109 to 112)

Boggs Reporting & Video

jboggs@boggsreporters.com

334.264.6227

www.boggsreporters.com

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[113]</p> <p>1 A It says that the author reserves all 2 publication rights, but none of this has 3 been published. Preparation of abstract 4 does not constitute publication. 5 Q Okay. You had testified earlier that you 6 made recommendations for Doctor Eiland after 7 resigning from his -- as his major 8 professor. Is this what you were 9 referencing? 10 A Uh-huh (positive response). Well, it was 11 one of them. I also wrote a letter, I think 12 to -- 13 Q Okay. Would this be the letter? 14 A It would. 15 Q Okay. And let me introduce Plaintiff's 16 Exhibit 13 and ask you to just identify that 17 document for the record. 18 (At which time, the 19 referred-to document was 20 marked as Plaintiff's Exhibit 21 No. 13 by the Reporter.) 22 A This appears to be a recommendation written 23 by Doctor Wolfe similar to the one that you</p>	<p style="text-align: right;">[114]</p> <p>1 just showed me. 2 Q Okay. And the same for Exhibit Fourteen. 3 Could you identify -- 4 (At which time, the 5 referred-to document was 6 marked as Plaintiff's Exhibit 7 No. 14 by the Reporter.) 8 MR. KNIGHT: Well, I object to the 9 extent that he's identifying 10 documents that he didn't prepare 11 on both -- 12 MS. DICKEY: Right. 13 MR. KNIGHT: -- on Doctor Wolfe and 14 Doctor Janicki. 15 MS. DICKEY: Right. I'm not asking 16 questions about it. I'm just 17 asking him to identify. 18 Q But all three of you provided 19 recommendations to Doctor Eiland. 20 A Uh-huh (positive response). 21 Q This is a letter from Doctor Janicki, same 22 type. 23 (At which time, the</p>
<p style="text-align: right;">[115]</p> <p>1 referred-to document was 2 marked as Plaintiff's Exhibit 3 No. 15 by the Reporter.) 4 Q We had discussed the statistics course that 5 Doctor Eiland took. He had an incomplete 6 and then that grade was later changed. Can 7 you identify this document for the record, 8 Plaintiff's Exhibit 18? 9 (At which time, the 10 referred-to document was 11 marked as Plaintiff's Exhibit 12 No. 18 by the Reporter.) 13 A Was this supposed to go with this? 14 Q I think so. 15 A I mean, I wouldn't -- I don't understand 16 what -- 17 Q Okay. All right. This is a copy of a card, 18 excuse me. 19 A So, it's not related to this? 20 Q It's not? Okay. Pardon me. 21 MR. KNIGHT: So, obviously he can't 22 identify them if these documents 23 didn't go together.</p>	<p style="text-align: right;">[116]</p> <p>1 MS. DICKEY: They don't go together. 2 MR. KNIGHT: Right. Okay. 3 Q Do you remember sending a card? 4 A Well, I mean, I've sent lots of cards. You 5 know, it's certainly not inappropriate to 6 congratulate a student on completing his 7 work, you know. So, I don't know deny at 8 all sending a card congratulating Chris. I 9 would send him another one. 10 Q This was at the end of his DVM program? Is 11 that when you sent this card? 12 A Yeah, it would have probably been -- He 13 probably sent me a graduation announcement, 14 and so it probably was accompanied by a 15 graduation gift and a card. 16 Q Okay. This is the article. I'm not sure 17 how these two got on the same page. But 18 could you identify Plaintiff's Exhibit 20? 19 (At which time, the 20 referred-to document was 21 marked as Plaintiff's Exhibit 22 No. 20 by the Reporter.) 23 A Uh-huh (positive response).</p>

[29] (Pages 113 to 116)

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[117]</p> <p>1 Q And what is it?</p> <p>2 A This is an article that I wrote for DVM Best</p> <p>3 Practices in which I talk about feline</p> <p>4 parasite control. It doesn't look like the</p> <p>5 whole article is here. And I simply cited</p> <p>6 that abstract of AAVP, which is not a</p> <p>7 published abstract, not a formal</p> <p>8 publication. Just citing some prevalence</p> <p>9 data to support the fact that we had</p> <p>10 discovered and seen, based on Chris's work,</p> <p>11 prevalences of heartworm in Alabama. It was</p> <p>12 intended to provide documentation from</p> <p>13 where -- points that I made and this came</p> <p>14 from. And Chris clearly received first</p> <p>15 authorship and credit for the work.</p> <p>16 Q Okay. Let me show you Plaintiff's Exhibit</p> <p>17 19, and this is just to get a perspective of</p> <p>18 time.</p> <p>19 (At which time, the</p> <p>20 referred-to document was</p> <p>21 marked as Plaintiff's Exhibit</p> <p>22 No. 19 by the Reporter.)</p> <p>23 Q This is the fall quarter, 2003. You had</p>	<p style="text-align: right;">[118]</p> <p>1 your discussion with Chris Eiland on</p> <p>2 December 3rd where you resigned as his --</p> <p>3 A Yes, ma'am.</p> <p>4 Q -- major professor. The last class or</p> <p>5 classes ended for that semester on December</p> <p>6 10.</p> <p>7 A Uh-huh (positive response).</p> <p>8 MR. KNIGHT: Kay, there's two pages</p> <p>9 attached to this. One doesn't</p> <p>10 look like it goes. The back page</p> <p>11 doesn't look like it goes with the</p> <p>12 front page.</p> <p>13 MS. DICKEY: It doesn't.</p> <p>14 MR. KNIGHT: Okay.</p> <p>15 MS. DICKEY: If you want to, you can</p> <p>16 just tear that back off because</p> <p>17 that has to do with the statistics</p> <p>18 course. All I wanted was the</p> <p>19 calendar for that.</p> <p>20 Q Let me show you what has been marked as</p> <p>21 Plaintiff's Exhibit 21 and ask you to</p> <p>22 identify that.</p> <p>23 (At which time, the</p>
<p style="text-align: right;">[119]</p> <p>1 referred-to document was</p> <p>2 marked as Plaintiff's Exhibit</p> <p>3 No. 21 by the Reporter.)</p> <p>4 A Uh-huh (positive response). This is a piece</p> <p>5 that I wrote for another issue of DVM News.</p> <p>6 Q Doctor Blagburn, have you ever had a</p> <p>7 graduate student fall asleep in your class?</p> <p>8 A Graduate student, no, I have not.</p> <p>9 Q Is it uncommon for a graduate student to</p> <p>10 fall asleep in class?</p> <p>11 A Based on my observations in my classes, it</p> <p>12 is.</p> <p>13 Q What would you do if a student did fall</p> <p>14 asleep in your class?</p> <p>15 A I would probably confront them after class</p> <p>16 after everyone had left and have a</p> <p>17 discussion about the cause and the why and</p> <p>18 make some reference to the fact that they're</p> <p>19 here for a purpose. And it's difficult to</p> <p>20 learn if you're not paying attention. And</p> <p>21 you owe your respect to the instructor, to</p> <p>22 the other students by remaining alert,</p> <p>23 active, participating would have been the</p>	<p style="text-align: right;">[120]</p> <p>1 gist of my discussion.</p> <p>2 Q Okay.</p> <p>3 MS. DICKEY: I may be finished. Let me</p> <p>4 have a short break, and I'll be</p> <p>5 right back.</p> <p>6 (At which time, a recess was</p> <p>7 taken.)</p> <p>8 Q Did you personally have problems with Chris</p> <p>9 Eiland?</p> <p>10 A Prior to August of 2003, no.</p> <p>11 Q And the problems that you had beginning in</p> <p>12 August of 2003 were because of complaints</p> <p>13 you received from others.</p> <p>14 A Right. But clearly resulting in situations</p> <p>15 and circumstances that affected my lab's</p> <p>16 productivity and function in the department,</p> <p>17 yes.</p> <p>18 Q Had you noticed a decrease in productivity</p> <p>19 prior -- in the lab prior to August 2003?</p> <p>20 A By whom, relating to what?</p> <p>21 Q Had you been placed on notice of any</p> <p>22 unproductivity?</p> <p>23 A No.</p>

[30] (Pages 117 to 120)

Boggs Reporting & Video

jboggs@boggsreporters.com

334.264.6227

www.boggsreporters.com

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

<p style="text-align: right;">[121]</p> <p>1 Q Did you witness any of the complaints</p> <p>2 personally?</p> <p>3 A No. Now, excuse me. You mean, was I there</p> <p>4 when they happened?</p> <p>5 Q Right.</p> <p>6 A No. I mean, the complaints were brought</p> <p>7 directly to me. I certainly witnessed the</p> <p>8 complaints.</p> <p>9 Q Yeah. But you didn't witness the behavior</p> <p>10 that brought on the complaints.</p> <p>11 A No, ma'am, I did not.</p> <p>12 Q Okay. I have no further questions.</p> <p>13 CROSS-EXAMINATION</p> <p>14 BY MR. KNIGHT:</p> <p>15 Q Just a couple. Doctor Blagburn, what are</p> <p>16 the students's obligations or</p> <p>17 responsibilities with respect to developing</p> <p>18 a plan of study or academic advisory</p> <p>19 committee, if any?</p> <p>20 A Well, in our programs, we encourage the</p> <p>21 students to be proactive, to contribute, to</p> <p>22 identify potential candidates, to plan ahead</p> <p>23 based on available courses when they were</p>	<p style="text-align: right;">[122]</p> <p>1 offered, and come to the major profferer and</p> <p>2 the committee with a listing of potential</p> <p>3 courses by year. It doesn't necessarily</p> <p>4 mean that the committee will approve them or</p> <p>5 the committee won't change them. But it's</p> <p>6 customary for the student to bring</p> <p>7 suggestions about committee members and</p> <p>8 about the course work. It certainly doesn't</p> <p>9 mean that the major professor won't also</p> <p>10 suggest or won't advise as to an</p> <p>11 inappropriate advisor or inappropriate</p> <p>12 course. But I can't recall a graduate</p> <p>13 student that I've had where I didn't see an</p> <p>14 initial proposed plan of study that we then</p> <p>15 looked at and decided what we wanted to</p> <p>16 change, whether it needed changing.</p> <p>17 Q Did Chris Eiland approach you to establish</p> <p>18 an academic advisory committee? Did he</p> <p>19 approach you --</p> <p>20 A I don't recall. Keep in mind it was very</p> <p>21 early in the program, but I don't recall</p> <p>22 Chris coming to me with a list of people</p> <p>23 suggesting who that they would be.</p>
<p style="text-align: right;">[123]</p> <p>1 Q Okay. Does a major professor -- Is there</p> <p>2 any requirement to accept a student who</p> <p>3 requests that he be that student's major</p> <p>4 professor? Is it a requirement that you</p> <p>5 have to accept a student?</p> <p>6 A No, not that I'm aware.</p> <p>7 Q Okay. Nothing further.</p> <p>8 REDIRECT EXAMINATION</p> <p>9 BY MS. DICKEY:</p> <p>10 Q Did Chris Eiland ever discuss with you</p> <p>11 classes that he would possibly take in the</p> <p>12 fall?</p> <p>13 A He may have. Certainly, the fact that he</p> <p>14 was enrolled in them does suggest that he</p> <p>15 may have discussed those classes. But they</p> <p>16 weren't as yet formulated in a plan of</p> <p>17 study, an official plan of study.</p> <p>18 Q What about for spring, were there any</p> <p>19 discussions of courses that he would take in</p> <p>20 the spring?</p> <p>21 A I don't -- I don't recall any discussion.</p> <p>22 RECROSS-EXAMINATION</p> <p>23 BY MR. KNIGHT:</p>	<p style="text-align: right;">[124]</p> <p>1 Q What department was Doctor Sundermann in?</p> <p>2 A She's in biological sciences.</p> <p>3 Q Okay. Thank you.</p> <p>4</p> <p>5 (Deposition concluded at</p> <p>6 approximately 4:12 p.m.)</p> <p>7 * * * * *</p> <p>8 FURTHER DEPONENT SAITH NOT</p> <p>9</p> <p>10 * * *</p> <p>11</p> <p>12 REPORTER'S CERTIFICATE</p> <p>13</p> <p>14 STATE OF ALABAMA)</p> <p>15 ELMORE COUNTY)</p> <p>16</p> <p>17 I, Jeana S. Boggs, Certified Professional</p> <p>18 Reporter and Notary Public in and for the State of</p> <p>19 Alabama at Large, do hereby certify on Monday, June</p> <p>20 12, 2006, that pursuant to notice and stipulation on</p> <p>21 behalf of the Plaintiff, I reported the deposition</p> <p>22 of BYRON L. BLAGBURN, MS, PhD, who was first duly</p> <p>23 sworn by me to speak the truth, the whole truth, and</p>

[31] (Pages 121 to 124)

Boggs Reporting & Video

jboggs@boggsreporters.com

334.264.6227

www.boggsreporters.com

Dep of: Byron L. Blagburn, MS, PhD
Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
2005-CV-459-VPM

[125]	[126]
<p>1 nothing but the truth, in the matter of CHRISTOPHER 2 B. EILAND, DVM, MS, Plaintiff, versus DR. BYRON L. 3 BLAGBURN, individually and in his official capacity, 4 DR. CHARLES HENDRIX, individually and in his 5 official capacity, DR. JOSEPH JANICKI, individually 6 and in his official capacity, DR. STEPHEN McFARLAND, 7 individually and in his official capacity, DR. ED 8 RICHARDSON, in his official capacity as President of 9 Auburn University, and DR. LAUREN WOLFE, 10 individually and in his official capacity, 11 Defendants, Civil Action No. CV-459-VPM, now pending 12 in the United States District Court for the Middle 13 District, Eastern Division of Alabama; that the 14 foregoing colloquies, statements, questions and 15 answers thereto were reduced to 122 typewritten 16 pages under my direction and supervision; that the 17 deposition is a true and accurate transcription of 18 the testimony/evidence of the examination of said 19 witness by counsel for the parties set out herein; 20 that the reading and signing of said deposition was 21 not waived by witness and counsel for the parties. 22 I further certify that I am neither of 23 relative, employee, attorney or counsel of any of</p>	<p>1 the parties, nor am I a relative or employee of such 2 attorney or counsel, nor am I financially interested 3 in the results thereof. All rates charged are usual 4 and customary. 5 This the 26th day of June, 2006. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p> <hr/> <p>Jeana S. Boggs Certified Court Reporter and Notary Public Commission expires: 8/14/2006</p>

[32] (Pages 125 to 126)

Boggs Reporting & Video

jboggs@boggsreporters.com

334.264.6227

www.boggsreporters.com

Dep of: Byron L. Blagburn, MS, PhD
 Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al

June 12, 2006
 2005-CV-459-VPM

1

A	actively 93:21	11:11 21:20	answer 6:20,21	approved 16:21
AAVP 117:6	activities 60:4	agronomy	8:14 13:14	approximately
able 29:22 101:4	111:6	101:11	20:2 24:16	1:22 124:6
absolutely	activity 10:13,14	ahead 28:11	30:18 40:19	area 7:23 21:11
105:11	actual 30:10	51:5 65:9	41:18 50:22	22:11 23:21
abstract 45:18	added 17:14	78:13 85:15	64:7,9 98:1,2	29:14 41:3,12
45:19 46:16,17	additional 16:17	92:19 98:1	109:12	42:14 94:6
47:5 113:3	18:19 25:1	121:22	answered 8:6	101:17
117:6,7	31:6 73:13	Alabama 1:2,21	answering 21:12	areas 10:19,21
academic 12:20	address 23:23	1:21 2:6,7,15	64:11	18:4,8 28:22
57:23 104:5	addressed 23:23	4:10 105:15	answers 125:15	41:16 42:20
107:20 121:18	24:3 63:13	117:11 124:14	antigen 21:20	argumentative
122:18	68:16	124:19 125:13	anybody 62:12	67:5 78:7
academics 85:7	administrative	alert 119:22	83:19 100:23	arrive 69:12
accept 6:21	79:11 109:21	Allen 17:14	108:6	71:4
123:2,5	admission 89:8	allow 95:15	apartment 74:1	arrived 39:8,15
acceptable	advanced 7:20	allowed 69:13	apparently	arrogance 48:14
51:23	81:9 84:2	allows 22:9	78:21 84:3	article 116:16
acceptably 26:6	advancement	38:15 51:21	89:16	117:2,5
acceptance 59:3	68:11	alluded 18:17	APPEARAN...	aside 54:17
accepted 49:21	advise 12:11	alternate 33:4	2:1	asked 24:13
101:3	17:22 18:1,9	alternative	appears 47:4	43:10 56:17
accompanied	74:10 122:10	25:17 26:14	110:7,19	66:6 78:22
110:6 116:14	advised 15:2	Amd 84:12	113:22	84:16 86:23
accompanies	adviser 85:2	American 45:15	applicant 49:13	87:21 89:11
112:22	102:8	amount 16:11	application 27:3	92:4 96:17
accompanying	advisers 17:17	19:8	49:13	106:7
7:17	advisor 37:12	amplify 40:21	applied 43:13	asking 71:15
account 68:3	122:11	analogy 42:23	49:14 95:17	114:15,17
accounted 72:21	advisory 12:8	analyzed 18:20	apply 43:14	asleep 84:4,4
accurate 125:17	17:11 18:23	anatomic 34:7	112:5	106:11 119:7
accurately 30:18	24:14 39:12,20	anatomical	applying 27:19	119:10,14
accusations	39:23 107:23	88:13	30:12	aspect 22:13
81:13 82:7	108:1,7 121:18	Andrews 7:13	appose 96:12	42:21
achieved 95:13	122:18	7:14,19	approach 85:18	aspects 21:15
acknowledged	affiliation 104:4	angered 73:1	94:17 122:17	85:7
47:20	affirmative 77:4	animal 8:12,12	122:19	aspirates 52:19
acknowledgm...	age 6:2	8:14 11:7,7,18	approached	aspiration 35:18
47:21	agency 28:20	11:19,20,20	56:16 85:13	assembled 37:21
action 1:6 93:9	ago 56:21	72:23	appropriate	assess 22:10
125:11	agreed 4:2,18	animals 21:19	19:8 20:12	assessment
active 41:15	5:3 25:8	announcement	approve 16:23	23:20 47:6
105:9 119:23	agreements	116:13	122:4	assigned 60:5,12

Dep of: Byron L. Blagburn, MS, PhD**Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al****June 12, 2006****2005-CV-459-VPM**

2

assist 38:21,23 39:2	attorneys 6:8	back 14:16 20:3	18:8 36:3 68:4	83:7
assistance 47:19	Auburn 1:12	20:14 48:15	108:17	breadth 10:21
assistant 38:8,10	6:12 8:18	52:15 59:13	beyond 56:11	22:23
48:20 50:14	10:10 27:12	66:17 102:11	bikini 75:3	break 6:15
51:3 53:9,13	43:22 44:4	103:1 118:10	Billeter 41:23	120:4
58:21 61:16	49:10 56:12	118:16 120:5	billing 110:20	brief 46:17
62:3,9 65:19	57:3 62:5	background	Billor 102:22	bring 59:12
68:20 76:23	97:15 101:8	28:5 30:3	BINGHAM	122:6
79:11 109:8,11	105:13 107:19	BALCH 2:12	2:12	broad 8:11 41:8
109:21	110:19 125:9	bank 109:6	biological 124:2	broadly 42:20
assistants 47:18	August 32:6	barriers 69:4	biologist 43:1	brought 43:11
60:5,17 61:8	63:9,10 65:14	base 41:8	biology 7:13,16	53:11 58:3
62:17 70:15,20	67:15 72:2	based 31:3 41:4	biomedical	62:20 73:9,16
80:22	76:2,3 81:3	41:6 50:9 90:4	14:17 37:5,17	84:11 89:20
assistantship	100:14 120:10	92:11 111:23	103:10 104:2	91:10 121:6,10
38:21 61:23	120:12,19	112:3 117:10	105:13	Brunson 62:18
62:3	author 45:9,10	119:11 121:23	bipolar 106:3	77:6,7 79:4
assistantships	49:7 113:1	basis 54:14 62:1	bit 31:10 37:22	80:18 81:7
38:13	authority	82:5	49:8 56:15	83:23
assisted 9:9	103:17	Bayer 11:20	67:2 86:5	Brunson's 78:20
assisting 47:22	authors 46:19	began 63:10	Blagburn 1:8,16	budget 111:5
associate 61:19	authorship	100:14	4:4,21 6:1,7	builder 75:2,9
86:15 96:8	117:15	beginning 14:10	7:7,10 87:2	building 74:1
103:13	available 33:9	63:9 120:11	102:6 119:6	bulletin 33:9
association 11:9	57:8 58:1 77:1	begun 108:8	121:15 124:22	bushes 86:1
45:15,16	121:23	behalf 1:17 4:6	125:3	Butler 48:19
assume 6:20	avenues 24:23	124:21	board 42:4	59:23 60:2,19
assure 21:7	25:1	behavior 78:5	body 75:2,8 90:1	62:16 63:3
attached 118:9	award 9:13,14	83:4 85:4	Boggs 1:19 4:9	64:3,11 65:2
attempt 31:12	awarded 9:15	104:23 121:9	124:17 126:9	65:10 67:13
34:12,16 38:19	38:12,14	behaviors 89:22	book 40:6 54:12	69:6 70:23
103:3,7	aware 18:15	believe 82:8,9	bother 65:16,19	71:8 73:14
attempted 64:6	31:1 36:15	86:11 94:16	bothered 73:4	74:20,22 77:18
attend 78:21	37:11 47:15	101:7,7	73:10	Butler's 72:9
attendance	48:6 53:6 55:5	belongings	bothersome	Byron 1:8,16 4:4
20:22 24:9,10	55:13,15,17	76:13	72:20	4:20 6:1 7:7
attention 58:3	84:7 89:13	benefit 56:20	Box 2:13	124:22 125:2
62:20 70:8	99:19,20,23	Berrien 7:13	Brandy 62:18	B-L-A-G-B-U...
73:16 89:20	101:2 123:6	best 87:7 92:8,9	77:3,7 78:19	7:9
119:20		117:2	79:4,7 80:18	B-R-U-N-S-O-N
attorney 2:4,11	B	Beth 90:13,14	81:7 83:23,23	77:6
125:23 126:2	B 1:5,21 2:6	90:15 91:4	84:14	
	125:2	better 15:10	Brandy's 82:21	C

Dep of: Byron L. Blagburn, MS, PhD**Christopher Eiland, DVM, MS Vs Byron L. Blagburn, MS, PhD, et al****June 12, 2006****2005-CV-459-VPM**

3

C 124:12,12	116:4	challenge 66:21	91:10,18,21,22	clear 7:3 101:22
cabinets 67:21	care 21:23	chance 99:4	92:7 93:7,20	clearly 22:14
76:11	career 17:23	change 18:14	94:20 96:14	40:22 96:2
calculate 109:14	25:17 43:7	23:10 52:23	98:19 99:15	117:14 120:14
calendar 118:19	carried 16:13	103:7 105:2	104:10 106:8	clerical 79:22
call 10:1 11:1	case 4:20,23 6:8	122:5,16	116:8 117:14	client 72:22 73:1
19:19,19,21	17:2 24:1	changed 102:19	118:1 120:8	clinic 73:8 99:9
47:17 79:23	40:18 45:4	115:6	122:17,22	clinical 64:19
98:6,6,16	cases 21:19	changing 122:16	123:10	98:21
100:1,2	104:21	chapter 40:6,7,8	CHRISTOPH...	clinicians
called 6:9 30:11	cat 10:17	chapters 40:5	1:5 2:18 125:1	101:16
37:13 40:20	category 44:1	characteristics	Christopherson	clinics 61:2
65:21 66:1,20	cats 15:11	16:2	62:19 78:17,18	close 46:5 58:4
78:8 87:1	cause 100:5	characterize	81:7 83:9,12	80:23
91:21 103:1	119:17	15:10 78:4	83:15	coccidiosis 7:18
calls 63:15,16	cease 83:5	charge 23:17	Chris's 24:4	Code 112:8
64:3,22 65:3,4	certain 24:23	34:21 35:5	61:13 98:21	collaborating
102:21	41:16 59:20	charged 126:3	117:10	15:16 49:7
Calvin 79:20	81:13	Charles 1:9	chronology	collaboration
campus 38:14	certainly 8:10	105:21 125:4	14:18 72:1,7	11:4
74:3,11 101:13	11:22 16:14	chief 96:8	circumstances	collaborative
candidate 14:13	18:18 20:2,7	choice 108:12	26:3 120:15	11:1
16:10 21:3,8	22:2 25:20	choose 52:16	cited 48:17	collaborators
22:16 34:18,19	26:6 27:11	Chris 13:19 14:3	117:5	41:9 70:11
35:8,8 39:23	31:20 33:20	16:5 25:14	citing 117:8	colleagues 29:18
40:11 52:1	37:9 39:17	26:3,16 27:1	City 99:9	30:11
93:15	40:16 45:6,8	36:1,2 42:10	Civil 1:6 4:17	collection 59:10
candidates	50:11 53:1	46:21 47:3,8	125:11	college 8:1 9:2
31:13 32:15	56:23 57:8	47:12 53:9,23	clarify 16:1	9:10,19 37:4
34:5 40:1	66:23 68:5	54:13 55:2,22	clarifying 15:8	38:11 44:4,11
121:22	71:17 78:10	56:10 57:2	class 55:14,17	49:16,19 50:17
candidate's	79:6 95:16	60:1 61:15	55:19,20 56:4	73:19 80:13
22:23 23:21	97:7 101:16	62:4,7,11	56:5 78:20	82:2 93:18
31:19 41:17	109:20 116:5	63:13,13 64:2	79:7 81:16,17	106:19 112:1,2
capability 60:16	121:7 122:8	65:18 66:7,7	81:17,21 84:4	112:6
capable 21:12	123:13	68:22 71:5	84:5,8,8,10	college-wide
capacity 1:9,10	Certified 1:19	72:5 73:4	106:12 118:4	104:3
1:10,11,12,13	4:9 124:17	74:21 76:2,15	119:7,10,14,15	colloquies
125:3,5,6,7,8	126:9	78:19 79:7	classes 118:5	125:14
125:10	certify 124:19	83:3 84:21	119:11 123:11	combination
card 115:17	125:22	85:19,23 88:5	123:15	41:12 68:6
116:3,8,11,15	Chain 40:21	88:20 89:11	classical 42:18	come 33:14 42:1
cards 70:16,18	chairs 9:14	90:6,18,22	clean 97:21	42:4 61:8 63:1